

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

151-325

FOODS

The cases reported herewith were instituted in the United States District courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

GROVER B. HILL, *Acting Secretary of Agriculture.*

Washington, D. C., March 23, 1940.

CONTENTS

	Page		Page
Beverages and beverage materials.....	39	Poultry.....	70
Cereal products.....	40	Nuts and nut products.....	70
Dairy products.....	49	Saccharine products.....	73
Eggs and egg products.....	52	Spices.....	76
Fisheries products.....	53	Miscellaneous.....	76
Fruits, vegetables, and vegetable products.....	58	Index.....	77

BEVERAGES AND BEVERAGE MATERIALS

151. Adulteration of lemon juice. U. S. v. 12 Cases of Lemon Juice. Default decree of condemnation and destruction. (F. D. C. No. 526. Sample No. 65475-D.)

This product was undergoing chemical decomposition and was unfit for food because of its metallic taste.

On August 30, 1939, the United States attorney for the Southern District of Ohio filed a libel (amended September 15, 1939) against 12 cases of lemon juice at Cincinnati, Ohio, consigned on or about July 5, 1939, alleging that the article had been transported in interstate commerce by Bell & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food. The article was labeled in part: (Cans) "Val Vita Brand Natural California Lemon Juice Packed by Val Vita Food Products Inc. Fullerton California."

On October 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

152. Misbranding of tea. U. S. v. 15 Cartons of Tea. Default decree of condemnation. Product distributed to public or charitable institutions. (F. D. C. No. 1079. Sample No. 74097-D.)

This product was found to be short of the declared weight; and it occupied only about 66 percent of the capacity of the package.

On November 28, 1939, the United States attorney for the District of Rhode Island filed a libel against 15 cartons, each containing 36 packages of tea, at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 10, 1939, by Dwinell-Wright Co. from Boston, Mass.; and charging that it was misbranded.

It was alleged to be misbranded in that the statement on the label, "3 Oz. Net," was false and misleading as applied to an article that was short in

weight; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On December 22, 1939, no claimant having appeared, judgment of condemnation and destruction was entered. On January 4, 1940, the order of destruction was revoked and an amended decree was entered directing that the product be distributed to public or charitable institutions.

153. Adulteration of Messina Effervescente Granulare. U. S. v. 23 Cases of Messina Effervescente Granulare. Default decree of condemnation and destruction. (F. D. C. No. 828. Sample No. 51950-D.)

This product contained an added poisonous or deleterious substance, namely, borax.

On October 27, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 23 cases of Messina Effervescente Granulare at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 28 and August 21, 1939, by the Drew Corporation from Brooklyn, N. Y.; and charging that it was adulterated.

The article was alleged to be adulterated under the provisions of the law applicable to foods in that it contained an added poisonous or deleterious substance, namely, borax, which is unsafe within the meaning of the law.

It was also alleged to be adulterated and misbranded in violation of the provisions of the law applicable to drugs, reported in D. D. N. J. No. 92.

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR AND OTHER MILL PRODUCTS

Nos. 154 to 191, inclusive, of this publication report the seizure and disposition of flour and other mill products which were in interstate commerce at the time of examination and were found to be insect-infested at that time.

154. Adulteration of flour. U. S. v. 196 Bags and 30 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 540, 541. Sample Nos. 63073-D, 63075-D.)

On September 2, 1939, the United States attorney for the Middle District of Alabama filed a libel against 226 bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by the Wall-Rogalsky Milling Co. from McPherson, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Special Bakers Patent Utility Flour"; or "Kansas Sun Flour."

On October 9, 1939, Capital Grain & Feed Co., Montgomery, Ala., having appeared as claimant, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be rendered incapable of human consumption but that it might be manufactured into feed-stuff for livestock.

155. Adulteration of flour. U. S. v. 85 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 538. Sample No. 63072-D.)

On or about August 31, 1939, the United States attorney for the Middle District of Alabama filed a libel against 85 sacks of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about June 22 and July 10, 1939, by Pillsbury Flour Mills Co. from Memphis, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Pillsbury's Magneto Flour Bleached."

On October 9, 1939, Schloss & Kahn Grocery Co., Montgomery, Ala., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of as feed for livestock.

156. Adulteration of flour. U. S. v. 40 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 669. Sample No. 61089-D.)

On October 2, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 40 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 21,