

FEDERAL SECURITY AGENCY**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]

2301-2550**FOODS**

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., May 6, 1942.

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BEVERAGES AND BEVERAGE MATERIALS**FRUIT JUICES**

2301. Misbranding of orange juice. U. S. v. 234 Cases and 379 Cases of Orange Juice. Default decree of condemnation and destruction. (F. D. C. No. 5759. Sample Nos. 51261-E, 51262-E.)

This product was labeled in such a manner as to give the impression that it contained approximately the same amount of vitamin C as fresh orange juice; whereas it contained about one-half the amount of vitamin C found in fresh orange juice and also substantially less than the average amount of vitamin C usually contained in canned orange juice.

On September 18, 1941, the United States attorney for the District of Massachusetts filed a libel against 613 cases, each containing 12 bottles, of orange juice at Springfield, Mass., alleging that the article had been shipped by Miami Fruit Industries, Inc., from Miami, Fla., on or about April 27, 1941; and charging that it was misbranded. It was labeled in part: (Bottles) "Walker-Sellers Vita Tested Vitamin C Certified Pure Orange Juice Slightly Sweetened with Sugar [or "Enriched with Dextrose"] Contents One Quart."

The article was alleged to be misbranded in that the following statements were false and misleading, "Vita Tested Vitamin C Certified * * * Certi-

fied Vitamin C Content—We hereby certify that the juice in this container has been tested by us and contained the same Vitamin C content when packed as the freshly extracted juice," since they created the impression that the article contained an amount of vitamin C comparable to the amount contained in a like quantity of freshly extracted orange juice; whereas it contained substantially less (about one-half) vitamin C than a like quantity of freshly extracted orange juice and even substantially less than the normal vitamin C content of canned orange juice.

On October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2302. Misbranding of tomato juice. U. S. v. 19 Cases of Tomato Juice. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 4965. Sample No. 32800-E.)

Examination showed that this product was short of the declared volume.

On June 19, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 19 cases, each containing 48 cans, of tomato juice at Brookhaven, Miss., alleging that the article had been shipped on or about April 8, 1941, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. It was labeled in part: "Val Vita Brand Fancy Tomato Juice."

The article was alleged to be misbranded in that the statement "Net Contents 7¼ Flid. Ozs.," borne on the label, was false and misleading since it was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On November 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered divided between two local charitable agencies for their own use but not for sale.

CEREAL PRODUCTS

FLOUR

2303. Adulteration of flour. U. S. v. 137 and 175 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 5609. Sample Nos. 67405-E, 67406-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be stored under insanitary conditions and to be insect-infested. Some of the bags had been cut into by rodents and were stained with rodent urine and there were rodent pellets on and between the bags.

On September 2, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 137 48-pound bags and 175 24-pound bags of flour at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about June 27, 1941, by the McDaniel Milling Co. from Carthage, Mo.; and charging that it was adulterated. It was labeled in part: (Bags) "Little King Flour Bleached."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2304. Adulteration of flour. U. S. v. 120 Bags and 320 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be manufactured into animal feed. (F. D. C. No. 5309. Sample Nos. 59364-E, 59365-E.)

Examination of this product showed that it was insect-infested, and that it had been stored under insanitary conditions subsequent to shipment.

On August 5, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 120 12-pound bags and 320 24-pound bags of flour at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about February 7, 1941, by the Pillsbury Flour Mills Co. from Springfield, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Pillsbury's Best Flour."