

# 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]

5251-5400

#### 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 Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 6, 1944.

#### CONTENTS

Page	Page
Beverages and beverage materials..... 233	Fish and shellfish..... 258
Cereal and cereal products..... 236	Fruits and vegetables..... 260
Alimentary pastes..... 236	Canned fruit..... 260
Bakery products..... 238	Dried fruit..... 260
Corn meal..... 239	Fresh fruit..... 261
Flour..... 240	Frozen fruit..... 262
Miscellaneous cereal products..... 243	Miscellaneous fruit products..... 262
Chocolate, sugars, and related products..... 244	Vegetables..... 263
Dairy products..... 246	Tomato products..... 265
Butter..... 246	Grains and feeds..... 266
Cream..... 256	Meat and poultry..... 267
Eggs..... 256	Nuts and nut products..... 269

#### BEVERAGES AND BEVERAGE MATERIALS

**5251. Misbranding of beverage preparation. U. S. v. 17 Bags of an article labeled "Beverage Preparation" and 50 Bags of the same product labeled "Fev-ite." Default decree of condemnation and destruction. (F. D. C. No. 10217. Sample No. 8141-F.)**

Examination showed this product consisted of dried grass\* with added phosphate.

On July 9, 1943, the United States attorney for the District of Minnesota filed a libel against the above-described product at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about June 1, 1943, by the Cerophyl Laboratories, Inc., of Kansas City, Mo., from Lawrence, Kans.; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that its label failed to bear the common or usual name of the food; and (3) in that it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

On August 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.