

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]

6201-6400

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., *February 6, 1945.*

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BEVERAGE MATERIALS*

6201. Adulteration and misbranding of CoVee. U. S. v. 24 Cases and 104 Cases of CoVee. Default decrees of condemnation. Portion ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 10070, 10094. Sample Nos. 10334-F, 11309-F.)

LIBELS FILED: June 11 and 15, 1943, Western District of Texas and Northern District of California.

ALLEGED SHIPMENT: From on or about March 20 to April 23, 1943, by J. B. Robinson, Manager, Royale Popcorn Co., Cleveland, Ohio.

PRODUCT: 24 cases at Waco, Tex., and 104 cases at Emeryville, Calif., each containing 24 1-pound packages of CoVee.

*See also Nos. 6351, 6399.

LABEL, IN PART: "Drink CoVee Prepare—The Same as Coffee * * * Made from Fresh Roasted Soy Beans—Cereals and Chicory."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of ground roasted soy beans and ground roasted malted barley had been substituted in whole or in part for soy beans, cereals, and chicory, which the article purported to be.

Misbranding, Section 403 (a), the statement on the label "Chicory for Flavor," was false and misleading as applied to an article containing no chicory; Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Cereals" is not the common or usual name for barley.

DISPOSITION: November 3 and 10, 1943. No claimant having appeared, judgments of condemnation were entered and it was ordered that the Waco lot be turned over to the Food and Drug Administration, and that the Emeryville lot be destroyed. On January 8, 1944, an amended decree was entered, ordering that the Waco lot be delivered by the United States marshal to a charitable institution.

6202. Adulteration of pineapple-flavored fountain sirup. U. S. v. 15 Jugs of Pineapple-Flavored Fountain Syrup. Default decree of condemnation and destruction. (F. D. C. No. 11587. Sample No. 51259-F.)

LABEL FILED: January 6, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 12, 1943, by the National Processed Foods Corporation, from Brooklyn, N. Y.

PRODUCT: 15 1-gallon jugs of pineapple-flavored fountain sirup at Springfield, Mass.

LABEL, IN PART: "National Concentrated Pineapple Flavored Fountain Syrup Contains Pineapple Juice, Cane Sugar, Citric Acid 1-10 of 1% Benzoate of Soda."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an artificially flavored and colored sugar solution, acidulated with phosphoric acid or acid phosphate and containing no pineapple juice or citric acid, had been substituted for concentrated pineapple-flavored fountain sirup.

Misbranding, Section 403 (a), the statements appearing on the label of the article, "Concentrated Pineapple Flavored Fountain Syrup * * * Pineapple Juice * * * Citric Acid," were false and misleading as applied to an artificially flavored and colored sugar solution, acidulated with phosphoric acid or acid phosphate and containing no pineapple juice or citric acid; Section 403 (b), the product was offered for sale under the name of another food; Section 403 (c), it was an imitation of another food, pineapple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL AND CEREAL PRODUCTS

ALIMENTARY PASTES

6203. Adulteration of egg noodles. U. S. v. 33 Cases, 24 Cases, and 60 Cases of Egg Noodles. Default decrees of condemnation and destruction. (F. D. C. Nos. 11206, 11283. Sample Nos. 1457-F, 1458-F, 59428-F.)

LABELS FILED: December 3, 1943, Northern District of Indiana; December 9, 1943, Western District of Michigan.

ALLEGED SHIPMENT: From on or about September 14 to November 13, 1943, by Mrs. Kelley's Noodle Kitchen, from Dayton, Ohio.

PRODUCT: 33 cases, each containing 24 ½-pound packages, and 24 cases, each containing 12 1-pound packages, at Fort Wayne, Ind.; and 60 cases, each containing 24 ½-pound packages of egg noodles, at Sturgis, Mich.

LABEL, IN PART: "Perfect's Brand 100% Pure Egg Noodles Packed for A. H. Perfect & Co, Inc."