

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

13399. Adulteration of pulverized white oats (animal feed). U. S. v. Frank W. Schafer (Frank W. Schafer Feeds). Plea of nolo contendere. Fine, \$500 and costs. (F. D. C. No. 23607. Sample No. 44984-H.)

INFORMATION FILED: October 31, 1947, Southern District of Illinois, against Frank W. Schafer, trading as Frank W. Schafer Feeds, Galesburg, Ill.

ALLEGED SHIPMENT: On or about November 27, 1946, from the State of Illinois into the State of California.

LABEL, IN PART: "Pulverized Oats Ingredients: Sound Whole Oats Pulverized."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), calcium carbonate had been substituted in whole or in part for pulverized oats, which the product purported and was represented to be. (Analysis showed the presence of approximately 5 percent of calcium carbonate.)

DISPOSITION: July 28, 1948. A plea of nolo contendere having been entered, the defendant was fined \$500 and costs.

13400. Adulteration of rolled oats. U. S. v. 29 Bags * * *. (F. D. C. No. 25197. Sample No. 22318-K.)

LABEL FILED: July 23, 1948, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 2, 1948, from St. Joseph, Mo.

PRODUCT: 29 100-pound bags of rolled oats at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect parts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 1, 1948. Default decree of condemnation and destruction.

13401. Adulteration of corn grits. U. S. v. 39 Sacks * * *. (F. D. C. No. 25015. Sample No. 45721-K.)

LABEL FILED: July 7, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 23, 1948, from Highland, Ill.

PRODUCT: 39 100-pound sacks of corn grits at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. (The article was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: August 26, 1948. Default decree of condemnation. The product was ordered sold to be denatured and used for purposes other than human consumption.

13402. Adulteration of soy grits. U. S. v. 20 Bags * * *. (F. D. C. No. 25029. Sample No. 30346-K.)

LABEL FILED: July 9, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about February 24, 1948, from Fort Wayne, Ind.

PRODUCT: 20 100-pound bags of soy grits at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 16, 1948. Default decree of condemnation and destruction.

13403. Adulteration of rice. U. S. v. 25 Bags * * *. (F. D. C. No. 25130. Sample No. 40135-K.)

LABEL FILED: July 26, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about May 14, 1948, from Stuttgart, Ark.

PRODUCT: 25 100-pound bags of rice at Baltimore, Md.

*See also No. 13367.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 1, 1948. W. H. Kirkwood & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

13404. Misbranding of wheat germ. U. S. v. 12 Cases * * *. (F. D. C. No. 24852. Sample No. 43048-K.)

LIBEL FILED: May 20, 1948, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 1, 1948, by Kretschmer Corp., from Carrollton, Mich.

PRODUCT: 12 cases, each containing 12 12-ounce jars, of wheat germ at Milwaukee, Wis.

LABEL, IN PART: (Jar) "One ounce of Kretschmer's Toasted Wheat Germ equals All of the following: [picture of a bowl presumably containing cereal] 4 oz. oatmeal (in B₁, for body tone), [picture of a beef steak] 1½ ozs. lean beef (in protein, for muscle building), [picture of a graham cracker] 3 Graham crackers (in calories, for energy), [picture of raisins] 4.6 ozs. raisins (in iron, for blood building)."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements and designs on the jar label and in a circular entitled "Wheat Germ" inserted under the label of the jar were false and misleading. These statements and designs represented and suggested that the product was nonfattening; that the diets of individuals in this country are generally deficient in vitamin B₁; that the product would be effective in the prevention and treatment of loss of appetite, muscular weakness, low body temperature, and other serious physical and nerve disorders; that use of the product would insure normal health and would promote regular bowel activity; and that one ounce of the product was equal in food value to the total food value of the foods listed on the jar label. The product would not be efficacious for the purposes represented and suggested, and 1 ounce of the article was not equal in food value to the total food value of the various foods listed on the jar label.

Further misbranding, Section 403 (j), the product purported to be a food for special dietary uses by reason of its vitamin A, vitamin G, vitamin E, calcium, iron, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin G, vitamin E, calcium, iron, and phosphorus supplied by the food when consumed in a specified quantity during a period of one day; and the need in human nutrition for vitamin E not having been established, its label failed to bear the statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: August 3, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

13405. Adulteration and misbranding of Dwarfies Wheatmix. U. S. v. 40 Cases * * *. (F. D. C. No. 24412. Sample No. 20852-K.)

LIBEL FILED: On or about February 6, 1948, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 3, 1947, by Dwarfies Corp., from Council Bluffs, Iowa.

PRODUCT: 40 cases, each containing 18 packages, of Dwarfies Wheatmix at St. Joseph, Mo. Examination showed that the product contained less than 1 percent of wheat germ.

LABEL, IN PART: (Package) "Dwarfies Wheatmix My Favorite Breakfast Food Net Weight 1¾ Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), wheat germ had been omitted from the article.

Misbranding, Section 403 (a), the following label statements were false and misleading as applied to the article, which contained less than 1 percent of wheat germ: "The Added Wheat Germ gives it a Richer Wheat Flavor * * *