

DISPOSITION: January 31, 1951. Default decree of condemnation and destruction.

17250. Adulteration and misbranding of filled milk. U. S. v. 236 Cases \* \* \*.  
(F. D. C. No. 29732. Sample No. 77780-K.)

**LIBEL FILED:** On or about September 21, 1950, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about August 11, 1950, by the Ashley Milk Co., from Nashville, Ill.

**PRODUCT:** 236 cases, each containing 48 14½-ounce cans, of filled milk at Linn, Mo.

**LABEL, IN PART:** "Rich-Whip \* \* \* Wholesome Food Product Composition Milk Solids 20% Fat 6% \* \* \* Approximate Analysis \* \* \* Fat 6.00% Vitamin Content 2,000 U. S. P. units of Vitamin A, 400 U. S. P. units of Vitamin D Some Vitamins B and G" and "Hum \* \* \* A Mixture of evaporated skimmed milk and Hydrogenated Vegetable Oils \* \* \* Composition Milk Solids 20%, Fat 6% \* \* \* Approximate Analysis 2,000 U. S. P. units of Vitamin A, 400 U. S. P. units of Vitamin D Some Vitamins B and G."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, fat, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Fat 6% \* \* \* This product complies in all respects with the Federal Food and Drugs Act of June 25, 1939, and is neither adulterated nor misbranded under the provisions thereof" were false and misleading as applied to an article which contained less than 6 percent fat and was both adulterated and misbranded under the Federal Food, Drug, and Cosmetic Act; 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 it failed to reveal the source of the added vitamins A and D; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear as required by regulations a statement of the proportion of the minimum daily requirement of vitamins A, B, D, and G furnished by a specific quantity of the product when consumed during a period of one day.

DISPOSITION: November 15, 1950. Default decree of destruction.

## INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17201 TO 17250

### PRODUCTS

	N. J. No.		N. J. No.
Alfa-Zyme feed	<sup>1</sup> 17221	Bread	17207
Almonds, unshelled	17243	Brewers rice	17212, 17213
Bakery products	17207, 17208	Butter	17216, 17217
Beans, kidney, canned	17229	Calvital capsules	17248
Beer	17201	Candy	17204, 17205
Beverages and beverage materials	17201-17203, 17238	Carrots and peas, canned	17230
Black-eyed peas, canned	17231	Catsup, tomato	17237
dried	17232	Cereals and cereal products	17207-17215
Boysenberries, canned	17226	Cheese, Primost	17218
Brazil nuts	17241, 17242	Chili powder	17245

<sup>1</sup> (17221) Prosecution contested.

# 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]

17251-17300

#### FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *September 10, 1951.*

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