

PRODUCT: 50 50-pound bags of Min-Vita Pre-Mix for poultry and 75 50-pound bags of Pork-Maker Pre-Mix at West Union, Iowa.

LABEL, IN PART: "McConnon Double Concentrated Min-Vita Pre-Mix For Poultry Guaranteed Analysis * * * Niacin 320 mg. per pound" and "McConnon Double Concentrated Pork-Maker Pre-Mix Guaranteed Analysis * * * Niacin 96 mg. per pound."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, niacin, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements "Guaranteed Analysis * * * Niacin 320 mg. per pound" (Min-Vita Pre-Mix) and "Guaranteed Analysis * * * Niacin 96 mg. per pound" (Pork-Maker Pre-Mix) were false and misleading as applied to the articles, which contained less than the stated amounts of niacin.

DISPOSITION: October 8, 1954. McConnon & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the articles be released under bond for reprocessing under the supervision of the Department of Health, Education, and Welfare. The articles were brought into compliance with the law by the addition of niacin to bring their vitamin content up to the label declaration.

MISCELLANEOUS FOODS

21748. Adulteration and misbranding of miscellaneous foods. U. S. v. 300 Cases
* * *. (F. D. C. No. 36496. Sample Nos. 80452-L, 80453-L.)

LIBEL FILED: April 13, 1954, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: From various sources outside the State of Pennsylvania, prior to November 1951.

PRODUCT: 300 cases, each containing 24 or 48 cans, of apricot nectar, diced carrots, fruit cocktail, whole kernel corn, sweet corn, sweet peas, sardines, pineapple tidbits, tomatoes, and mixed vegetables at Philadelphia, Pa.

RESULTS OF INVESTIGATION: The products were involved in two fires at a Philadelphia, Pa., warehouse in 1951 and had been sold to Morris Factor of Philadelphia as salvage goods, who, in turn, resold the products.

Examination showed that many cans were rusted, pinholed, and had no labels or illegible labels, and that the contents of many of the cans were decomposed or otherwise unfit for food.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances and were otherwise unfit for food.

Misbranding, Section 403 (e) (1) and (2), Section 403 (g) (2), and Section 403 (i) (1) and (2), the articles failed to bear proper labels as required by such sections.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 6, 1954. Morris Factor, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portions and for relabeling of the portions which were only misbranded, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 229 cases of the

products were found unfit and were destroyed and 71 cases were found to be good and were released.

21749. Adulteration and misbranding of miscellaneous foods. U. S. v. 10,000 Cases * * *. (F. D. C. No. 36507. Sample No. 80454-L.)

LIBEL FILED: April 13, 1954, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: From various sources outside the State of Pennsylvania, prior to November 1951.

PRODUCT: 10,000 cases, more or less, each containing a number of packages of foods, including canned applesauce, fruit cocktail, sweet corn, pineapple tidbits, sweetpotatoes, jack mackerel, sardines and tomato sauce, and a number of 1-pound boxes of red kidney beans and green split peas at Philadelphia, Pa.

RESULTS OF INVESTIGATION: The products were involved in two fires at a Philadelphia, Pa., warehouse in 1951, and had been sold to Morris Factor of Philadelphia as salvage goods.

Examination showed that many cans were rusted, pinholed, and had no labels or illegible labels, and that the contents of many of the cans were decomposed or otherwise unfit for food. The dried beans and split peas were insect-infested, and the split peas were also moldy.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances and filthy substances, and were otherwise unfit for food.

Misbranding, Section 403 (e) (1) and (2), Section 403 (g) (2), and Section 403 (i) (1) and (2), the articles, except for the dried beans and split peas, failed to bear proper labels as required by such sections.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 6, 1954. Morris Factor, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portions and for relabeling of the portions which were only misbranded, under the supervision of the Department of Health, Education, and Welfare. 6,343 cases of the products which actually were seized were examined, and 5,857 cases were found unfit and were destroyed; 486 cases were found to be good and were released.

21750. Misbranding of Spudsaver-X. U. S. v. 4 Cases * * *. (F. D. C. No. 36281. Sample No. 65508-L.)

LIBEL FILED: January 8, 1954, District of Minnesota.

ALLEGED SHIPMENT: On or about October 7, 1953, by the Pittsburgh Chemical Laboratory, from Pittsburgh, Pa.

PRODUCT: Four cases, each containing 12 jars, of Spudsaver-X at Minneapolis, Minn. Examination showed that the product contained a substantial amount of sodium bisulfite.

LABEL, IN PART: (Jar) "Spudsaver-X Crystalline—Anti-Oxidant * * * Net Contents—One Pound."

NATURE OF CHARGE: Misbranding, 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 ingredient.

DISPOSITION: March 8, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.