

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 25351-25450**

*Adulteration*, Section 402(a) (1), the article contained an added deleterious substance which may have rendered it injurious to health; Section 402(a) (2), the article in one case contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; and, in two cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; or such tolerance had been so prescribed, and the quantity of the pesticide chemical was in excess of the tolerance.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents in terms of weight; Section 403(f), a word, statement, or other information required by the Act to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations, and it fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

## **CEREALS AND CEREAL PRODUCTS**

### **BAKERY PRODUCTS**

**25351. Bakery products.** (F.D.C. No. 42395. S. Nos. 1-737 P, 1-741 P, 2-702 P, 3-165/8 P, 28-361 P.)

**INFORMATION FILED:** 3-3-59, N. Dist. Ga., against Dortch Baking Co., a partnership, Atlanta, Ga., Dudley L. Dortch, Jr., a partner, and Garvice W. Prince, an employee.

**SHIPPED:** Between 4-25-58 and 8-1-58, from Georgia to North Carolina and Alabama.

**LABEL IN PART:** (Pkg.) "UKANEATA Sandwich Pie Net Weight 1¼ Ozs."; "Dortch's Ukanata Sandwich Cake LUNCH CAKE Net Wt. 1¼ Oz."; and "Dortch's Vanilla Wafers Net Weight 3 Oz."

**CHARGE:** 402(a)(3)—contained insect parts and rodent hair fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 3-9-59. Corporation—\$1,000 fine; Dudley Dortch, Jr.—\$125 fine; Garvice Prince—\$50 fine.

**25352. Bread.** (F.D.C. No. 41763. S. Nos. 6-986 P, 6-988 P, 6-990/91 P, 6-994/7 P.)

**INFORMATION FILED:** 12-16-58, Dist. Mass., against My Own Quality Bakery, Inc., Fall River, Mass., and Israel Lipson, treasurer.

**SHIPPED:** Between 3-25-58 and 4-4-58, from Massachusetts to Rhode Island.

**LABEL IN PART:** (Pkg.) "Lipson's Jewish Rye Bread"; "Lipson's Port Bread"; and "French Bread."

**CHARGE:** 402(a)(3)—contained rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 2-16-59. Individual—fined \$500; corporation—fined \$1.

**25353. Chocolate cookies.** (F.D.C. No. 42912. S. No. 4-289 P.)

**QUANTITY:** 24 cases, 24 bags each, at Landover, Md.

**SHIPPED:** 2-20-59, from Joplin, Mo., by Guthrie Biscuit Co.

**LABEL IN PART:** (Bag) "Busy Baker Pure Chocolate Fudge Sandwich Net Wt. One Full Pound \* \* \* Distributed by Safeway Stores Incorporated \* \* \* Oakland, California. Ingredients: Flour, Shortening, Sugar, Cocoa, Invert Syrup, Nonfat Dry Milk Solids, Malt, Hard Vegetable Butter, Salt Leavening, Lecithin, Artificial Flavors."

**LBELED:** 3-31-59, Dist. Md.

**CHARGE:** 402(b)(1)—when shipped, a valuable constituent, chocolate, had been in whole or in part omitted from the article; 402(b)(2)—cocoa had been in whole or in part substituted for chocolate; 403(a)—the label statement "Pure Chocolate Fudge" was false and misleading; 403(f)—the statement of ingredients was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 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 "hard vegetable butter" is not the common or usual name of this shortening ingredient.

**DISPOSITION:** 4-29-59. Default—delivered to local charitable institutions.

**25354. Chocolate cream pie.** (F.D.C. No. 42841. S. No. 47-574 P.)

**QUANTITY:** 18 cases, 6 individually cartoned pies each, at Watertown, Mass.

**SHIPPED:** 1-13-58, from Wethersfield, Conn., by Farm House Frozen Pies, Div. Connecticut Pie Baking Co., Inc.

**LABEL IN PART:** (Ctn.) "Farm House \* \* \* Chocolate Cream Pie \* \* \* Net Wt. 1 Lb."