

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 25551-25650**

Adulteration, Section 402(a) (1), the article contained an added poisonous or deleterious substance which may have rendered it injurious to health; Section 402(a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; 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.

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), the article was in package form and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of contents; 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 its quality fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the food; and (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; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary determined to be and by regulation prescribed as necessary in order fully to inform purchasers as to its value for such uses.

BEVERAGES AND BEVERAGE MATERIAL*

25551. Tea. (F.D.C. No. 42917. S. No. 57-575 P.)

QUANTITY: 2 unlabeled chests, 150-lb. total, at Long Island City, N.Y.

SHIPPED: On an unknown date, from outside the United States.

RESULTS OF INVESTIGATION: Examination of the article disclosed an oily odor and partially spent leaves. When brewed, a thin oil-like film formed on top; the brew had an odor resembling the odor of burlap; and the article was unpalatable and unfit for food.

*See also Nos. 25604, 25605.

LIBELED: 4-6-59, E. Dist. N.Y.

CHARGE: 402(b)(1)—while held for sale, a valuable constituent, namely, tea, had been in whole or in part abstracted from the article; and 402(a)(3)—consisted of a substance which was unfit for food.

DISPOSITION: 5-7-59. Default—destruction.

25552. Chicory. (F.D.C. No. 42907. S. No. 57-719 P.)

QUANTITY: 10 90-lb. bags at Flushing, N.Y.

SHIPPED: 12-2-58, from Port Huron, Mich., by E. B. Muller & Co.

LABEL IN PART: "Roasted and Ground Chicory EMB E. B. Muller & Co. Port Huron, Mich. 3 X Mullers Chicory."

LIBELED: 4-6-59, E. Dist. N.Y.

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

DISPOSITION: 5-7-59. Default—destruction.

25553. Cherry concentrate. (F.D.C. No. 42323. S. No. 31-817 P.)

QUANTITY: 37 55-gal. drums at New Brunswick, N.J.

SHIPPED: From Yugoslavia to Marlboro, N.J., and from there to New Brunswick, N.J., where the article was placed into the above-mentioned drums.

LIBELED: 12-1-58, Dist. N.J.

CHARGE: 402(a)(3)—contained fly eggs, insect fragments, and a decomposed substance when shipped.

DISPOSITION: 12-29-58. Consent—claimed by Monte Carlo Wine Industries, Ltd., New Brunswick, N.J., and converted into distilled spirits.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

25554. Bread and cookies. (F.D.C. No. 41174. S. Nos. 60-870/1 M, 60-878 M.)

INFORMATION FILED: 6-18-58, Dist. Mass., against Elm Farm Foods Co., a corporation, t/a J. B. Blood Co., Lynn, Mass.

SHIPPED: 8-21-57 and 8-22-57, from Massachusetts to Rhode Island.

LABEL IN PART: (Pkg) "SLICED HOME MADE ENRICHED BREAD HILLCREST FOOD KITCHENS LYNN, MASS. WEIGHT 1 LB. 1 OZ."; "Beehive GIANT LOAF WHITE ENRICHED BREAD FULL POUND AND ONE HALF BEEHIVE BAKERY, LYNN, MASS."; and "Beehive HERMITS WT. 12 OZ. BEEHIVE BAKERY LYNN, MASS."

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

PLEA: Guilty.

DISPOSITION: 2-20-59. \$100 fine.

25555. Fruit cake. (F.D.C. No. 42219. S. No. 4-811 P.)

QUANTITY: 17 ctns., 12 2-lb. tins each, and 4 ctns., 6 5-lb. tins each, at Arlington, Va.

SHIPPED: 9-9-58, from Philadelphia, Pa.

LIBELED: 10-14-58, E. Dist. Va.