

SHIPPED: 7-24-58, from Philadelphia, Pa., by Jan Laboratories, Inc.

LABEL IN PART: (Drum) "Special Formula CF 85546 Lot No. 36509 * * * 50 mgm. Ascorbic acid 0.1 mgm. pyridoxine HCl. 5000 Units Vitamin A Acetate 1000 Units Vitamin D Calciferol 1.0 mgm. Thiamine HCl 10.0 mcgm. Vitamin B-12 USP. Jan Laboratories, Philadelphia 39, Penna."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 50 percent of the declared amount of vitamin B₁₂.

LIBELED: On or about 7-15-60, S. Dist. Ind.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; 403(a)—the label statement "10.0 mcgm. Vitamin B-12 USP" was false and misleading; and 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B₁, C, and D, supplied by the article when consumed in a specified quantity during a period of one day.

DISPOSITION: 8-24-60. Default—destruction.

MISCELLANEOUS FOODS

26750. Tato-Dip Anti-Oxidant. (F.D.C. No. 44236. S. No. 71-274 P.)

QUANTITY: 7 cases, 12 labeled jars each, and 1 case, containing 12 unlabeled jars, at Lexington, Ky.

SHIPPED: 5-11-59, from Kingsport, Tenn., by Bond Co.

LABEL IN PART: (Case) "From The Bond Company, P.O. Box 486 Kingsport, Tennessee For No. 6002 Kentucky Chemical & Supply Co. * * * 1 Dozen 16 Oz. Jars" and (jars) "Tato-Dip Anti-Oxidant Fortified with (Butylated Hydroxyanisole) Net Weight: One Pound Keeps Peeled Potatoes White!"

RESULTS OF INVESTIGATION: Examination showed that all jars of the article had been shipped unlabeled; that the article contained sulfites and ascorbic acid but did not contain butylated hydroxyanisole; and that the article was short weight.

LIBELED: 2-12-60, E. Dist. Ky.

CHARGE: Labeled jars, 403(a)—while held for sale, the label statements "Fortified with (Butylated Hydroxyanisole)" and "Life of oils is also extended through the synergistic action of Butylated Hydroxyanisoles * * *" was false and misleading since the article did not contain butylated hydroxyanisole; 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of the contents; and 403(i)(2)—its label failed to bear the common or usual name of each ingredient since its label did not disclose that the article contained sulfites.

Unlabeled jars, 403(e)—when shipped, the article 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 the contents.

DISPOSITION: 3-21-60. Default—destruction.

U.S. Department of Health, Education, and Welfare**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]

26751-26800

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere, or upon a judgment of guilty after trial. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., January 13, 1961.

CONTENTS

	Page		Page
Cereals and cereal products.....	284	Fruits and vegetables.....	295
Flour.....	284	Canned fruit.....	295
Macaroni and noodle products.....	285	Fresh fruit.....	296
Miscellaneous cereals and cereal products.....	287	Vegetables and vegetable products.....	297
Chocolate, confectionery, and sugar.....	291	Tomatoes.....	298
Chocolate product.....	291	Nuts and nut products.....	298
Confectionery.....	291	Oils and fats.....	299
Sugar.....	292	Oleomargarine.....	300
Dairy products.....	292	Spices, flavors, and seasoning materials.....	300
Butter.....	292	Vitamin, mineral, and other products of special dietary significance.....	301
Milk.....	292	Miscellaneous food.....	305
Eggs.....	292	Index.....	306
Feeds and grains.....	294		
Fish.....	294		

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26751-26800

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, 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; 402(b) (1), a valuable constituent had been in whole or in part omitted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; 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 had been prescribed by the Secretary of Health, Education, and Welfare.

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 in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label 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(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard, and (2) its label failed to bear the name of the food specified in the definition and standard; Section 403(h) (2), the article purported to be and was represented as a food for which a standard of fill of container 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), 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) it was fabricated from two or more ingredients and its label failed to bear the common 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 has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

FLOUR

26751. Flour. (F.D.C. No. 44785. S. No. 38-955 R.)

QUANTITY: 87 25-lb. bags at West Helena, Ark.

SHIPPED: 5-12-60 and 6-3-60, from Yukon, Okla.

LIBELED: 8-30-60, E. Dist. Ark.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 9-21-60. Default—delivered to a public institution for use as animal feed.