

SPICES, FLAVORS, AND SEASONING MATERIALS

26948. Mustard seed and shelled peanuts. (F.D.C. No. 44333. S. Nos. 17-911/2 P.)

INFORMATION FILED: 7-19-60, M. Dist. Tenn., against American Tea & Coffee Co., Inc., Nashville, Tenn., and Marvin R. Bubis, secretary-treasurer of the corporation.

ALLEGED VIOLATIONS: Between 4-8-59 and 10-30-59, the defendants caused quantities of mustard seed and shelled peanuts, while held for sale after shipment in interstate commerce, to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent urine, rodent excreta, and rodent hairs; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 12-1-60. Corporation fined \$500, of which \$250 was suspended; individual placed on probation for 2 years.

26949. Monosodium glutamate. (F.D.C. No. 44208. S. No. 90-961 P.)

QUANTITY: 2 100-lb. drums at Needham Heights, Mass.

SHIPPED: 12-22-59, from Paterson, N.J.

LIBELED: 1-27-60, Dist. Mass.

CHARGE: 402(b)(2)—while held for sale, 10 percent or more of salt had been substituted in part for monosodium glutamate; and 402(b)(4)—salt had been added to the article so as to increase its bulk or weight and reduce its quality or strength.

DISPOSITION: 4-26-60. Default—destruction.

26950. Black pepper. (F.D.C. No. 43702. S. Nos. 6-186 P, 15-821 P.)

INFORMATION FILED: 2-15-60, E. Dist. N.Y., against Safe Owl Products, Inc., Brooklyn, N.Y.

SHIPPED: Between 8-14-58 and 1-12-59, from New York to Ohio and Maryland.

LABEL IN PART: (Can) "Safe Owl Finer Foods Pure Black Pepper Safe Owl Products, Inc. Brooklyn, N.Y. Manufacturer 1 Lb. Net. [1 Oz. Net or 4 Oz. Net or 8 Oz. Net]," and "Flagstaff Brand Pure Black Pepper Net 1¼ Oz. Distributors Flagstaff Foods Perth Amboy, N.J."

CHARGE: 402(b)(2)—ground buckwheat hulls had been substituted in whole or in part for black pepper; and 402(b)(4)—ground buckwheat hulls had been added to the article or mixed or packed with it so as to increase its bulk or weight and reduce its quality; 403(a)—the label statement "Pure Black Pepper" was false and misleading as applied to an article which also contained ground buckwheat hulls; and 403(e)(2)—a portion of the article failed to bear a label containing an accurate statement of the quantity of contents—the article in the cans labeled "1¼ Oz." was short weight.

PLEA: Guilty.

DISPOSITION: 10-20-60. \$1,000 fine.

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]

26951-27000

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; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) an injunction proceeding terminated upon the entry of a permanent injunction by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction 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.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26951-27000**

Adulteration, Section 402(a) (1), the article contained a poisonous or deleterious substance which would ordinarily render the food injurious to health; Section 402(a) (2) (A), the article contained an added poisonous and deleterious substance which is unsafe within the meaning of Section 406; Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have been 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 in whole 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; and Section 406, 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(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 the contents in terms of weight, measure, or numerical count; 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 ingredient; and 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*

26951. Flour, sirup, salt, cheese, coffee, baking mixes, macaroni products, cereals, and other miscellaneous foods. (Inj. No. 356.)

COMPLAINT FOR INJUNCTION FILED: 4-29-59, S. Dist. Iowa, against the Atlantic Wholesale Grocery Co., Inc., a corporation, Atlantic, Iowa, and Roy H. Frazier, vice president and general manager of the corporation.

CHARGE: The complaint alleged that the defendants were engaged in the business of receiving, storing, and selling various food products such as flour, sirup, salt, cheese, coffee, canned foods, baking mixes, macaroni products, breakfast cereals, and other food products commonly handled by wholesale groceries, and that the defendants had been and were placing and causing to be placed in a building infested with rodents and open to birds, and had been and were exposing and causing to be exposed to contamination by rodents and birds such articles of food, while they were held for sale after shipment in interstate commerce.

The complaint alleged further that the acts of placing and causing the foods to be placed in such building and of exposing and causing the foods to be exposed to such contamination resulted in the foods being adulterated within

*See also No. 26957.