

29646. Frozen eggs. (F.D.C. No. 49474. S. No. 41-850 X.)

QUANTITY: 37 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 9-23-63, from Perth Amboy, N.J., by Adler Egg Co.

LABEL IN PART: (Can lid) "Royal Crown Whole Eggs Net Weight * * *
Adler Egg Co. Perth Amboy, N.J."

LIBELED: 10-21-63, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 3-30-64. Content—claimed by Adler Egg Co. Segregated; 24
cans denatured.

29647. Frozen eggs. (F.D.C. No. 49759. S. Nos. 32-301/3 A.)

QUANTITY: 102 cans, at Lexington, Ky., in possession of Southern Ice & Cold
Storage Co.

SHIPPED: Between 11-22-63 and 1-3-64, from Morristown, Tenn., by (64-can
lot) Burnett Produce Co., and from Huntingburg, Ind.

LABEL IN PART: (some of the 64-can lot) "Fancy Whole Eggs Packed by
Burnett Prod. Co. Morristown, Tenn."

RESULTS OF INVESTIGATION: A 4-can lot of the article had been manufactured
by the dealer in part from shell eggs shipped from Huntingburg, Ind., as above.

LIBELED: 1-31-64, E. Dist. Ky.

CHARGE: 402(a)(3)—when the 64-can lot of the article was shipped and while
the rest of the article was held for sale, the article contained decomposed eggs.

DISPOSITION: 4-27-64. Default—destruction.

29648. Frozen eggs. (F.D.C. No. 49676. S. Nos. 39-194 X, 41-964 X.)

QUANTITY: 145 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 12-4-63, from Burgaw, N.C., by Carlisle Poultry & Egg Association,
Inc.

LABEL IN PART: (Can) "Whole Eggs L. Rudolf Co., Inc." and "Carlisle Poul-
try & Egg Assoc. Inc. Burgaw, North Carolina."

LIBELED: 1-10-64, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 5-7-64. Default—destruction.

29649. Frozen eggs. (F.D.C. No. 50219. S. No. 43-154 A.)

QUANTITY: 4 30-lb. cans at Ogden, Utah.

SHIPPED: 10-10-63, from Lindsay, Calif., by Marlow Egg Farms.

LABEL IN PART: (Can) "Marlow's Frozen Whole—Fresh Eggs * * * Marlow
Egg Farms * * * Lindsay, California."

LIBELED: 6-2-64, Dist. Utah.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 8-3-64. Default—destruction.

FEEDS AND GRAINS*

29650. Animal feeds. (Inj. No. 416.)

COMPLAINT FOR INJUNCTION FILED: 9-13-61, N. Dist. N.Y., against Elmore Mil-
ling Co., Inc., Oneonta, N.Y.

*See also No. 29635.

CHARGE: The complaint alleged that the defendant was engaged in the business of manufacturing, preparing, packing, selling, and shipping in interstate commerce, articles of food which were adulterated and misbranded, and that the defendant was doing certain acts which resulted in the adulteration and misbranding of articles of food which were held for sale by the defendant after shipment in interstate commerce.

The complaint alleged that various of the articles of food, when shipped and while held for sale, were adulterated and misbranded in the following respects: (i) 402(a)(1)—contained poisonous and deleterious substances which may render them injurious to health; (ii) 402(a)(2)(A)—contained added poisonous and deleterious substances which were unsafe within the meaning of section 406; (iii) 403(a)—the labeling of a number of the articles contained false and misleading statements with respect to the nature and quantity of the ingredients contained in the articles; and (iv) 403(e)(2)—their labels failed to contain an accurate statement of the quantity of the contents in terms of weight and measure.

The complaint alleged further that the adulterated and misbranded conditions of the articles of food resulted from deficiencies in the ingredients of the articles, or the presence in the articles of ingredients in excess of the amounts declared or represented to be present, which were due to inadequate manufacturing facilities, lack of ingredient and product identification, lack of production controls, lack of adequate analysis and formulas, or lack of other precautions essential to the manufacture and preparation of such foods; for example, the *Elmore Hog Ration (Unmedicated)* had no declaration of arsanilic acid, but was found to contain .0070%, .0074%, .0081%, and .0089% of that drug (in different batches).

The complaint alleged also adulterations and misbrandings with respect to drugs shipped and held for sale by the defendant, as reported in notices of judgment on drugs and devices, No. 7782.

The complaint alleged further that the defendant was well aware that its activities were violative of the Federal Food, Drug, and Cosmetic Act; that the defendant had been warned; and that despite the warnings, the defendant continued to introduce and cause to be delivered for introduction into interstate commerce articles of food and drug which were adulterated and misbranded, and continued to do certain acts, while articles of food and drug were held for sale after shipment in interstate commerce, which resulted in articles of food and drug being adulterated and misbranded.

DISPOSITION: On 12-7-61, a consent decree of permanent injunction was filed pursuant to which the defendant was perpetually restrained and enjoined:

1. From shipping any food or drug adulterated or misbranded as complained of, because of deficiency or excess in the amounts of declared ingredients or other specified inadequacies in their manufacture and preparation;
2. From doing any act with respect to any article of food or drug while held for sale after shipment in interstate commerce, which results in any such article being misbranded or adulterated as above;
3. From preparing, shipping, selling, or delivering any of the feed products unless and until it had accomplished a specified segregation of ingredients and products, and had cleaned its plant equipment; and
4. From shipping any of its medicated feed products in interstate commerce or doing any act with respect to any article of food or drug while held for sale

after shipment in interstate commerce, unless and until specified facilities, controls and precautions were installed, and a report verifying the accomplishment of the improvements had been made to the court.

29651. Alfalfa hay. (F.D.C. No. 49317. S. No. 31-886 X.)

QUANTITY: 18 tons, in 286 bales, at El Cajon, Calif.

SHIPPED: 8-27-63, from Somerton, Ariz., by Bud Ammons.

LIBELED: 9-13-63, S. Dist. Calif.

CHARGE: 402(a)(2)(B)—when shipped, the article was a raw agricultural commodity and contained pesticide chemicals, namely, DDT and DDE, which were unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemicals on alfalfa hay had been prescribed by regulations.

DISPOSITION: 3-17-64. Consent—claimed by Howard R. Gwynn, Yuma, Ariz., for conversion into feed for horses.

29652. Medicated feed. (F.D.C. No. 49459. S. No. 95-903 V.)

QUANTITY: 4 60-lb. bags at Redlands, Calif.

SHIPPED: 2-28-63, from Chicago, Ill.

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 50 percent of the vitamin A, and vitamin C, 13 percent of the vitamin D, and 10 percent of the vitamin B₁, declared on the label.

LIBELED: 11-22-63, S. Dist. Calif.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin A, vitamin D, vitamin C and vitamin B₁, had been in part omitted or abstracted from the article; and 403(a)—the label statements "Analysis (Per Pound) * * * Vitamin A 400,000 USP Units Vitamin D 160,000 I.C. Units * * * Vitamin C 840 Mgm. * * * Vitamin B-1 240 Mgm" were false and misleading.

DISPOSITION: 2-4-64. Consent—claimed by Redlum Research Corp., Redlands, Calif.; 4 5-lb. bags released to claimant for analysis and the remainder destroyed.

29653. Medicated feed. (F.D.C. No. 49792. S. No. 58-461 X.)

QUANTITY: 30 60-lb. bags, at Imperial, Calif.

SHIPPED: 6-28-63, from Chicago, Ill.

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 0.1 percent of the declared amount of vitamin A.

LIBELED: 2-10-64, S. Dist. Calif.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, namely, vitamin A, had been in whole or in part omitted or abstracted from the article; and 403(a)—the label statement "Guaranteed Analysis Per One Pound Vitamin A, I. or USP units 400,000" was false and misleading as applied to a product containing less than the declared amounts of this ingredient.

DISPOSITION: 4-6-64. Consent—claimed by Imperial Cattle Co., Imperial, Calif. The decree provided that a sample consisting of up to 5 lbs. from each of the bags seized could be obtained by the claimant and that the remainder of the article be destroyed.

29654. Poultry and turkey premix. (F.D.C. No. 50046. S. No. 37-141 A.)

QUANTITY: 5 bales, each containing 12 5-lb. bags, at McAlester, Okla.