

FEDERAL SECURITY AGENCY

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]

1201-1400

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., August 7, 1941.

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BEVERAGES AND BEVERAGE MATERIALS

TEA

1201. Misbranding of tea. U. S. v. 10 Cases of Tea. Decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2005. Sample No. 20204-E.)

These cartons of tea, when opened, were found to be about 75 percent filled. When fluffed, the tea occupied about 85 percent of the capacity of the container.

On May 24, 1940, the United States attorney for the Western District of South Carolina filed a libel against 10 cases of tea at Goldville, S. C., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Levering Coffee Co. from Baltimore, Md.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Cartons) "Tempo Tea."

On November 19, 1940, the claimant having withdrawn its answer, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.