

## 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]

1501-1700

### 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., *September 18, 1941.*

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### BEVERAGES AND BEVERAGE MATERIALS

#### TEA

**1501. Misbranding of tea bags. U. S. v. 31% Cartons of Tea Bags. Default decree of condemnation and destruction. (F. D. C. No. 2417. Sample No. 2820-E.)**

The boxes containing this product were cellophane-wrapped and contained 25 tea bags in a glassine bag. The tea bags when placed in the box without the glassine bag occupied less than 60 percent of the space in the box. The quantity of the contents was less than the amount declared and the net weight statement was inconspicuously printed near the bottom of the box.

On or about July 25, 1940, the United States attorney for the District of Maine filed a libel against 31<sup>5</sup>/<sub>6</sub> cartons of tea bags at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by William S. Patterson Co., Inc., from Arlington, Mass.; and charging that it was misbranded. The article was labeled in part: (Boxes) "Maine Tea Co. Portland, Me. 25 Our Own Brand Tea Bags."

The article was alleged to be misbranded in that the statement "Net Weight 2 Ounces" was false and misleading since it was incorrect. It was alleged to be

misbranded further in that its container was so made, formed, or filled as to be misleading; in that it was in package form and did not bear an accurate statement of the quantity of the contents; and in that the statement of the quantity of the contents required by law to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On August 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FRUIT JUICES

**1502. Adulteration of grapefruit juice. U. S. v. 1,673 Cases of Canned Grapefruit Juice. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 2342. Sample No. 30404-E.)**

Samples of this product were found to contain maggots and rodent hairs.

On or about July 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 1,673 cases of canned grapefruit juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 11, 1940, by the Christensen Products Corporation from Weslaco, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Tropic Gold Bild-Up \* \* \* Packed Exclusively for Bill Rice Products."

On August 16, 1940, the Christensen Products Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be segregated according to code numbers so as to separate the fit from the unfit and that it be disposed of in compliance with the law. The unfit portion was segregated and destroyed in accordance with said decree.

**1503. Adulteration of tomato juice. U. S. v. 20, 65, 35, and 110 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 2171. Sample Nos. 13172-E to 13175-E, incl.)**

This product contained excessive mold, indicating the presence of decomposed material.

On June 11, 1940, the United States attorney for the District of Idaho filed a libel against a total of 230 cases of tomato juice at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by the Royal Canning Corporation from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was variously labeled in part: "Royal Club Fancy Tomato Juice \* \* \* Packed for Mason Ehrman and Co. Portland Oregon"; "IGA Tomato Juice \* \* \* Packed for Independent Grocers Alliance Distributing Company New York-Chicago-San Francisco."

On May 14, 1941, the claimant having withdrawn its answer, judgment of condemnation was entered and the product was ordered destroyed.

**1504. Adulteration of tomato juice. U. S. v. 195 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 3050. Sample No. 26105-E.)**

This product contained mold, indicating the presence of decomposed material.

On September 20, 1940, the United States attorney for the District of Oregon filed a libel against 195 cases of tomato juice at Medford, Oreg., alleging that the article had been shipped in interstate commerce on or about October 14, 1939, by the Royal Canning Corporation from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Royal Club Fancy Tomato Juice. \* \* \* Packed for Mason Ehrman & Co., Portland Oregon."

On May 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CEREAL PRODUCTS

##### FLOUR

Nos. 1505 to 1519 report the seizure and disposition of flour that was in interstate commerce at the time of examination and was found to be insect-infested at that time. It was not alleged in these cases that the contamination existed at the time the flour was shipped.