

LABEL IN PART: (Jar) "Tweed's Brand Prepared Yellow Mustard Contents One Quart."

CHARGE: 402 (a) (3)—the yellow mustard seed contained flies and rodent excreta, and the prepared yellow mustard contained rodent hair fragments; and, 402 (a) (4)—the yellow mustard seed was held under insanitary conditions, and the prepared yellow mustard was prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-24-55. Each defendant fined \$100, plus costs.

22198. Mustard seed. (F. D. C. No. 35466. S. No. 74-252 L.)

QUANTITY: 223 90-lb. bags at Los Angeles, Calif.

SHIPPED: 7-30-53, from Sunburst, Mont., by E. L. McDonnell & Co.

LIBELED: 8-26-53, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 10-19-53. Consent—claimed by E. L. McDonnell & Co., Spokane, Wash. Segregated, 2,158 lbs. destroyed.

22199. Red pepper hulls in brine. (F. D. C. No. 37334. S. No. 72-622 L.)

QUANTITY: 5 285-lb. bbls. at Baltimore, Md.

SHIPPED: 10-15-54, from Marydel, Del., by L. A. Covell Co., Inc.

LIBELED: On or about 10-28-54, Dist. Md.

CHARGE: 402 (a) (3)—contained flies, fly parts, other insects and insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 11-22-54. Consent—claimed by L. A. Covell Co., Inc. The product was satisfactorily reconditioned by thorough washing to remove all filth.

22200. Sesame seed. (F. D. C. No. 37387. S. No. 72-889 L.)

QUANTITY: 30 150-lb. bags at St. Louis, Mo.

SHIPPED: 9-23-54, from Brooklyn, N. Y., by Becker-Mayer Seed Co., Inc.

LIBELED: 10-27-54, E. Dist. Mo.

LABEL IN PART: "B M & Co., Inc. New York Product of Nicaragua."

CHARGE: 402 (a) (3)—contained insects, insect excreta, and insect webbing when shipped.

DISPOSITION: 12-15-54. Consent—claimed by Becker-Mayer Seed Co., Inc. Segregated, 393 lbs. destroyed.

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PRODUCTS

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frozen.....	22172	Catsup, tomato.....	22185

¹ (22102) Prosecution contested.

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]

22201-22300

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 while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which default or consent decrees of condemnation were entered, (2) criminal proceedings which were terminated with pleas of guilty or nolo contendere, and (3) injunction proceedings which were dismissed following correction of the violative practices complained of. 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.

Similar actions with respect to products alleged to be in violation at the time of shipment are reported in other supplements.

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

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

WASHINGTON, D. C., *March 16, 1956.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22201-22300**

Adulteration, 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 held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; and, Section 402 (b) (1), a valuable constituent had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (f), certain information required by the Act to appear on the label of the article 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 and understood by the ordinary individual under customary conditions of purchase and use; Section 403 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; 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 properties as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CANDY AND CHOCOLATE PRODUCTS

CANDY*

22201. Candy. (F. D. C. No. 37549. S. No. 2-574 M.)

QUANTITY: 22 15-oz. boxes at Washington, D. C.

SHIPPED: 11-6-53, from New York, N. Y.

LIBELED: 12-21-54, Dist. Col.; libel amended 2-9-55.

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

DISPOSITION: 2-14-55. Default—destruction.

22202. Candy Easter eggs. (F. D. C. No. 37749. S. No. 8-374 M.)

QUANTITY: 29 boxes, 120 pieces each, at Woodward, Okla.

SHIPPED: 1-28-54, from Reading, Pa.

LIBELED: 1-19-55, W. Dist. Okla.

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

DISPOSITION: 2-23-55. Default—consumption by animals.

CHOCOLATE PRODUCTS**

22203. Chocolate-flavored sirup. (F. D. C. No. 37514. S. No. 1-225 M.)

QUANTITY: 77 cases, each containing 12 2½-lb. jars, at Miami, Fla.

SHIPPED: 1-25-47, from Cincinnati, Ohio.

LIBELED: 12-3-54, S. Dist. Fla.

*See also No. 22282.

**See also No. 22270.