

**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.

CHARGE: 402 (a) (3)—unfit for food by reason of its sour and disagreeable flavor while held for sale.

DISPOSITION: 1-19-55. Default—destruction.

22204. Cocoa, coffee sweepings, and lentils. (F. D. C. No. 30323. S. Nos. 73-866 K, 74-303/4 K, 74-306 K.)

QUANTITY: 412 130-lb. bags (2 lots, 400 bags and 12 bags) of coffee sweepings, 4 150-lb. bags of cocoa, and 4 bags, 118½-lbs. each, of lentils at Brooklyn, N. Y., in possession of Prentice Stores, New York Dock Co.

SHIPPED: From foreign countries on various dates.

LIBELED: 12-7-50, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained wood splinters, dirt, rodent excreta, insects, and other extraneous material; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: J. Aron & Co., Inc., Leon Israel & Bros., Inc. A. L. Ransodoff Co., Inc., H. L. C. Bendiks, Inc., Schaefer Klausmann Co., Inc., Hard & Rand, Inc., C. A. Mackey & Co., Inc, East Asiatic Co., Inc., A. C. Israel Commodity Co., Inc., and S. A. Schonbrunn & Co., claimants, filed an answer denying that the articles were adulterated as alleged. Interrogatories served upon the claimants by the Government were not answered. The claimants subsequently withdrew their answer and consented to the entry of a decree. On 2-25-54, a decree was entered condemning the articles and ordering the release of the 400-bag lot to the claimant for the purpose of bringing the article into compliance with the provisions of the Act within a period of 6 months, and ordering the destruction of the 4-bag lot of lentils, the 4-bag lot of cocoa, and the 12-bag lot of coffee sweepings.

The claimants failed to comply with the provisions of the decree in the allotted time, and a motion made on behalf of the Government, requesting the destruction of the 400-bag lot of coffee sweepings, and a cross-motion made on behalf of the claimants, requesting an extension of time in which to comply, were heard by the court on 3-16-55. On 4-15-55, the court entered a decree denying the claimants' motion and directing that the claimants return all lots for destruction at claimants' expense. The articles were destroyed.

CEREALS AND CEREAL PRODUCTS

CORNMEAL*

22205. Cornmeal. (F. D. C. No. 37815. S. No. 2-214 M.)

QUANTITY: 53 25-lb. bags at Charleston, W. Va., in possession of Capitol Feed Co.

SHIPPED: 12-30-54, from Salina, Kans.

LIBELED: On or about 3-17-55, S. Dist. W. Va.

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

DISPOSITION: 4-7-55. Default—consumption by animals.

22206. Cornmeal. (F. D. C. No. 37411. S. No. 85-518 L.)

QUANTITY: 26 25-lb. bags at Sweetwater, Tex., in possession of J. H. Tubb Wholesale Grocery.

*See also Nos. 22210, 22277.