

SPICES, FLAVORS, AND SEASONING MATERIALS

22647. Black pepper. (F. D. C. No. 38122. S. No. 5-249 M.)

INFORMATION FILED: 7-20-55, Dist. Md., against Baltimore Spice Co., a partnership, Baltimore, Md.

SHIPPED: 4-1-55, from Maryland to Michigan.

LABEL IN PART: (Drum) "Baltimore Spice Co. Baltimore, Maryland Micro Grind Black Pepper."

RESULTS OF INVESTIGATION: Analysis revealed that the article consisted of black pepper with 53.2 percent salt.

CHARGE: 402 (b) (2)—salt had been substituted for black pepper when shipped; 402 (b) (4)—salt had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength; 403 (a)—the label statement "Black Pepper" was false and misleading since the article consisted of a mixture of black pepper and salt; and 403 (b)—a mixture of black pepper and salt was offered for sale under the name of another food, black pepper.

PLEA: Nolo contendere.

DISPOSITION: 11-25-55. \$500 fine, plus costs.

22648. Spice. (F. D. C. No. 37902. S. No. 12-902 M.)

QUANTITY: 1 100-lb. drum at Vineland, N. J.

SHIPPED: 2-15-55, from Philadelphia, Pa., by Brokay Products.

LABEL IN PART: (Drum) "Brokay Spicey Spice."

LIBELED: 3-24-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-24-55. Default—destruction.

22649. Flavor buds. (F. D. C. No. 37976. S. No. 2-617 M)

QUANTITY: 24 3-qt. cans at Alexandria, Va.

SHIPPED: 2-25-55, from Brooklyn, N. Y., by Alpha Aromatics, Inc.

LABEL IN PART: (Can) "Aromatics Alpha Incorporated Raspberry [or "Lemon"] Flavor Buds."

LIBELED: 5-18-55, E. Dist. Va.

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

DISPOSITION: 9-26-55. Default—destruction.

22650. Whole fennel seed. (F. D. C. No. 37961. S. No. 5-446 M.)

QUANTITY: 1 75-lb. drum at Chicago, Ill.

SHIPPED: 3-1-55, from New York, N. Y., by C. M. Van Sillevoldt, Inc.

LIBELED: 5-10-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects and insect fragments when shipped.

DISPOSITION: 6-9-55. Default—destruction.

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]

22651-22750

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 when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce; and, in addition, one case involves the sale of or offer to sell oleomargarine, and another the possession of and serving of oleomargarine contrary to the law. These cases involve (1) seizure proceedings which were terminated with the entry of default or consent decrees of condemnation and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

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

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

WASHINGTON, D. C., August 7, 1956.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22651-22750**

Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; 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 prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 402 (b) (2), a substance had been substituted wholly or in part for the article.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (b), the article had been offered for sale under the name of another food.

Oleomargarine, Section 407 (b) (3), the label of the article, when sold and offered for sale, failed to bear the word "oleomargarine" or "margarine" and a full and accurate statement of all the ingredients contained in such oleomargarine or margarine; Section 407 (c), colored oleomargarine or margarine was possessed in a form ready for serving at a public eating place, and no notice that oleomargarine or margarine was being served was displayed; and colored oleomargarine or colored margarine was served at a public eating place, and each separate serving neither bore, nor was accompanied by, labeling identifying it as oleomargarine or margarine, and it was not triangular in shape.

BEVERAGES AND BEVERAGE MATERIALS

22651. Fruit beverage bases. (F. D. C. No. 35608. S. Nos. 66-368 L, 66-371 L, 66-374 L, 88-608 L.)

INFORMATION FILED: 4-12-55, N. Dist. Ill., against Harvest Sun Products, Inc., Chicago, Ill., Forrest J. Plymate, president, and James L. Reynolds, treasurer.

SHIPPED: Between 7-10-53 and 3-26-54, from Illinois to Wisconsin.

LABEL IN PART: (Btl.) "Net Contents 1 Gallon Dalee Breakfast Orange Flavored Base 1 to 20 [or "'Dalee' Pure Fruit Concord Grape Concentrate" or "Grapefruit Rickey 1 to 20"] Harvest Sun Products, Inc. 1521 West Walton Street, Chicago 22, Illinois."

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law since it is not required in the production of the food and can be avoided by good manufacturing practice.

PLEA: Nolo contendere.

DISPOSITION: 12-16-55. Corporation fined \$600, plus costs; each individual fined \$200.

22652. Coffee. (F. D. C. No. 37872. S. Nos. 14-544/5 M.)

INFORMATION FILED: 6-1-55, E. Dist. Mo., against H. P. Coffee Co., a corporation, St. Louis, Mo., and Wm. H. Petring, Sr., president.

VIOLATION: Between 12-26-54 and 2-15-55, the defendants caused a quantity of coffee while held for sale to be placed in a building inhabited by cats and to be exposed to contamination by cats, which acts resulted in the article being adulterated.