

RESULTS OF INVESTIGATION: The article was repackaged into the above-described bottles by the consignee. Analysis showed that the article contained less than 50 percent of the declared amount of vitamin A.

LIBELED: 6-27-55, Dist. N. J.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin A, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Each tablet contains: Vitamin A. Palmitate * * * 5,000 U. S. P. Units" was false and misleading.

DISPOSITION: 7-27-55. Default—destruction.

22848. Vicaltein tablets. (F. D. C. No. 38205. S. Nos. 1-101 M, 1-126 M.)

QUANTITY: 28 btls. at Atlanta, Ga.

SHIPPED: 11-20-54 and 4-12-55, from Greenville, S. C., by Tablerock Laboratories.

LABEL IN PART: (Btl.) "250 Tablets Vicaltein A Palatable Dietary Supplement Furnishing Proteins, Vitamins, Minerals and Carbohydrates. * * * Three Tablets Supply: * * * Vitamin B₁... 2.5 Mg."

LIBELED: 6-24-55, N. Dist. Ga.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Three Tablets Supply: * * * Vitamin B₁ . . . 2.5 Mg." was false and misleading as applied to a product containing less than the stated amount of vitamin B₁.

DISPOSITION: 7-21-55. Default—destruction.

22849. Special Formula tablets. (F. D. C. No. 38033. S. No. 10-388 M.)

QUANTITY: 1 drum containing 5,840 tablets at Minneapolis, Minn.

SHIPPED: 12-24-54, from Cedar Rapids, Iowa, by Barlow-Maney Laboratories, Inc.

LABEL IN PART: (Drum) "Special Formula Tablets S. C. Orange * * * Ingredients in each tablet are: * * * Vitamin B-12 (As Vitamin B-12 Concentrate) 1 MCGM."

RESULTS OF INVESTIGATION: Analysis showed that the article contained 60 percent of the declared amount of vitamin B₁₂.

LIBELED: 5-4-55, Dist. Minn.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Ingredients in each tablet are: * * * Vitamin B-12 * * * 1 MCGM." was false and misleading.

DISPOSITION: 7-8-55. Default—destruction.

22850. Bernalac. (F. D. C. No. 38194. S. No. 7-379 M.)

QUANTITY: 3 cases, 6 cans each, at Denver, Colo.

SHIPPED: 3-8-55 and 3-22-55, from San Jose, Calif., by Bernard Food Industries, Inc.

LABEL IN PART: (Can) "Bernard Bernalac Net Weight 4 Lbs. A Low Sodium, High Value Protein Food Supplement * * * Approximate Analysis * * * Including Sodium—0.15%."

LIBELED: 6-23-55, Dist. Colo.

CHARGE: 403 (a)—the statement on the label of the article when shipped, namely, "A Low Sodium * * * Food Supplement * * * Approximate Analysis * * * Including Sodium—0.15%" was false and misleading as applied to the article, which contained substantially more than the stated amount of sodium; and 403 (j)—the article purported to be and was represented as a food for special dietary use by reason of its use as a means of regulating the intake of sodium, and its label failed to bear, as required by regulations, a statement of the number of milligrams of sodium in an average serving of the article.

DISPOSITION: 8-31-55. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22751 TO 22850

PRODUCTS

	N. J. No.		N. J. No.
Angelica root	22830	Figbars	22751
Anise seed	22831	paste	22814
Apple cider. <i>See</i> Apple juice.		Fish and shellfish	22785-22803
Apple juice	22811, 22812	Flavors. <i>See</i> Spices, flavors, and seasoning materials.	
Applesauce, restricted diet, canned	22813	Flour	22752, 22754-22763, 22766
Bakery products	22751	corn	22753
Basic Food Supplement tablets	22846	Fruits and vegetables	22769, 22804-22822
Beans, cranberry, dried	22816	fruit, canned	22769, 22804-22806
lima, dried	22815, 22816	dried	22807, 22808
pink, dried	22816	fresh	22809, 22810
Beef hips, fresh	22824	miscellaneous fruit prod- ucts	22811-22814
Bernalac	22850	vegetables and vegetable prod- ucts	22815, 22822
Blowfish tails, frozen	22785	Ginger	22838, 22839
Bluefin, frozen	22786	root	22840
Boysenberries, canned	22769, 22804, 22805	Grains. <i>See</i> Feeds and grains.	
Brewers rice	22770	Grapefruit segments, fresh	22809, 22810
Butterfish, frozen	22787	Kipper snacks	22788
Cake mix	22776	Lima beans, dried	22815, 22816
Cashew kernels	22827	Macaroni and noodle products	22763- 22767
Cereals and cereal prod- ucts	22751-22776	Malt	22752
Chili peppers, dried	22832	Matzoh meal	22773, 22774
Chilies	22833	Meat and poultry	22823-22826
Corn flour	22753	Mixes, prepared	22776
Cornmeal	22752, 22753	Noodles. <i>See</i> Macaroni and noodle products.	
Cranberry beans, dried	22816	Nutmegs	22841, 22842
Cumin seed	22834, 22835	Nuts	22827-22829
Dog food, canned	¹ 22781, 22782	Oatmeal	22775
Eggs, frozen	22777-22780		
Ewing, Ray, Swine Pre-Mix	22784		
Feeds and grains	¹ 22781-22784		
Fennel seed	22836, 22837		

¹ (22781) 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]

22851-22950

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, when shipped to a holder of a guaranty, or 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 upon pleas of guilty or nolo contendere; and (3) injunction proceedings terminated with the entry of consent decrees of injunction. 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.

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

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

WASHINGTON, D. C., October 4, 1956.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22851-22950**

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 (a) (5), the article was in whole or in part the product of a diseased animal; 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; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength; Section 406 (a), a poisonous or deleterious substance was added to the food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (i) (2), the article was not subject to the provisions of Section 403 (g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information 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.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22851. Bismarcks (bakery product). (F. D. C. No. 38560. S. Nos. 21-520/1 M.)

INFORMATION FILED: 1-13-56, Dist. Nebr., against Kuenne's Bakery, Inc., Omaha, Nebr., and Richard D. Riddle, president.

SHIPPED: 8-24-55, from Nebraska to Iowa.

CHARGE: 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 2-23-56. Corporation fined \$100, plus costs; individual placed on probation for 30 days.

22852. Bread and rolls. (F. D. C. No. 38509. S. Nos. 3-275/6 M, 3-292 M, 3-295 M.)

INFORMATION FILED: 11-17-55, Dist. Mass., against Friedman Bros., Inc., t/a New York Model Bakery, Lynn, Mass., and Kenneth Freedman, treasurer and production manager for the corporation.

SHIPPED: 4-20-55 and 6-7-55, from Massachusetts to Connecticut.

LABEL IN PART: (Pkg.) "The Goody Boy Pumpernickel," "The Goody Boy says Try Goody," "Try Goody-Boy Bulkie Rolls [or "Kimmel Rye"]."

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

PLEA: Guilty.

DISPOSITION: 12-2-55. Corporation fined \$300 and individual \$100.