

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 25001-25100**

Adulteration, Section 402(a) (2), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; and, in another case, the article was a raw agricultural commodity, and it contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it 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 or of an animal which had died otherwise than by slaughter; Section 402(b) (1), a valuable constituent had been in whole or in part omitted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(h) (2), the article purported to be and was represented as a food for which a standard of fill of container had been prescribed by regulations, and its label failed to bear a statement that the article fell below the standard applicable thereto; Section 403(i) (1), the label of the article failed to bear the common or usual name of the food; 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.

BEVERAGES AND BEVERAGE MATERIALS

**25001. Assorted liquors and wines. (F.D.C. No. 40509.
S. No. 14-566 M.)**

QUANTITY: 4,461 btls. at Kirkwood, Mo., in possession of Katz Drug Co., Inc., Store #33.

SHIPPED: Prior to 6-14-57, from outside Missouri.

RESULTS OF INVESTIGATION: The basement storage area of the store had been flooded with 31 inches of water that entered through the sanitary sewer line and overflowed from the toilets. Some of the bottles were labeled; some labels were illegible; and some bottles had no labels.

LIBELED: 7-8-57, E. Dist. Mo.

CHARGE: 402(a)(4)—held under insanitary conditions due to having been submerged in flood waters; 403(e)(1) and (2)—some bottles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; and 403(i)(1)—some labels failed to bear the common or usual name of the food.

DISPOSITION: 7-15-58. Default—destruction.

25002. Coffee. (F.D.C. No. 41757. S. Nos. 29-904/5 P.)

INFORMATION FILED: 8-1-58, E. Dist. N.Y., against Mitchell Coffee Co., a partnership, Brooklyn, N.Y., and David B. Mitchell and Jesse I. Mitchell, partners.

ALLEGED VIOLATION: On 2-4-58, while a quantity of green coffee was being held for sale after shipment in interstate commerce, the defendants caused the article to be admixed with cereal and chicory, roasted and ground, and packed into retail bags labeled, in part, "Mitchell's Special Restaurant Coffee." These acts resulted in the product in the retail bags becoming adulterated.

CHARGE: 402(b)(2)—cereal and chicory had been substituted in part for coffee while held for sale.

PLEA: Guilty.

DISPOSITION: 10-9-58. Partnership—\$10 fine; individuals—\$500 fine each.

25003. Coffee beans. (F.D.C. No. 41548. S. No. 29-914 P.)

QUANTITY: 12 120-lb. bags at New York, N.Y.

SHIPPED: 4-16-58, from outside the United States.

LIBELED: 5-20-58, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained moldy coffee beans while held for sale.

DISPOSITION: 9-9-58. Consent—claimed by Polbro Coffee Co., New York, N.Y. Segregated; 1,291 lbs. destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

25004. Bread. (F.D.C. No. 41760. S. No. 72-513 M.)

INFORMATION FILED: 7-17-58, E. Dist. Wis., against Curdolac Food Co., a corporation, Waukesha, Wis.

SHIPPED: 8-20-57, from Wisconsin to Illinois.

LABEL IN PART: (Loaf) "Curdolac Protein Wheat Bread Net Weight 1 lb.-8 oz. Ingredients: This Bread Formula also Contains by Weight Protein 19.6%."

RESULTS OF INVESTIGATION: Analysis disclosed that the article contained approximately 55 percent of the declared amount of protein. The average protein content was 10 percent.

CHARGE: 402(b)(1)—a valuable constituent, protein, had been in part omitted when shipped; and 403(a)—the label statement "This Bread Formula also Contains by Weight Protein 19.6%" was false and misleading.