

LIBELED: 7-7-59, N. Dist. Ohio.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin C and vitamin B₁₂, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Ascorbic Acid 30 mg. Vitamin B-12 * * * 3 mcgm." was false and misleading.

DISPOSITION: 8-3-59. Default—destruction.

26200. Naco multivitamin drops. (F.D.C. No. 43996. S. No. 53-468 P.)

QUANTITY: 158 btls. at Los Angeles, Calif.

SHIPPED: Between 9-18-59 and 10-28-59, from St. Louis, Mo.

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 75 percent of the declared amount of vitamin B₁.

LIBELED: 12-16-59, S. Dist. Calif.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Each 0.6 cc contains * * * Thiamine Hydrochloride (B-1) 1 Mg." was false and misleading.

DISPOSITION: 1-14-60. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 26101-26200

PRODUCTS

	N.J. No.		N.J. No.
Beans, black-eyed. <i>See</i> Peas,		Donut flour.....	26108
black-eyed, dried.		mix	26104
Great Northern, dried.....	26166	Eggs, frozen.....	26138, ¹ 26139
lima, dried.....	26166	Emulsifier	26104
navy, dried.....	26135	Fats. <i>See</i> Oils and fats.	
white, dried.....	26166	Filberts, unshelled.....	26188
Biscuit mix.....	26187	Fish and shellfish.....	26140-26156
Black-eyed peas, dried.....	26166	Flour.....	26103-26113
Blueberries, fresh.....	26157	Donut	26108
Bread	26104	Fruits and vegetables.....	26157-26177
mix	26135	fruit, fresh.....	26157-26162
Butter	26136	miscellaneous fruit prod-	
Caraway seed.....	26106	uct	26163
Carp, frozen.....	26147	tomatoes and tomato prod-	
Cashew kernels.....	26178	ucts	26172-26177
Celery	26170	vegetables and vegetable prod-	
Cereals and cereal products....	26101-	ucts	26164-26171
	26135	Great Northern beans, dried....	26166
Cookies	26123	Grits, corn.....	26133
Cornbread mix.....	26123	Halibut, frozen.....	26148
Cornmeal.....	26101, 26102, 26107	Lima beans, dried.....	26166
Corn grits.....	26133	Lobster tails, frozen.....	26155, 26156
muffin mix.....	26134	Milk, dry, nonfat.....	26137
Cranberries, fresh.....	26158-26162	Miscellaneous cereals and cereal	
Dairy products.....	26136, 26137	products	26114-26135

¹ (26139) Prosecution contested. Contains opinion of the court.

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]

26201-26300

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 oleomargarine which was sold or offered for sale in violation of the Act. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, by consent, or after trial; and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere or by judgments of acquittal after trial. 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., June 20, 1960.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26201-26300**

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 nine cases, the article was a raw agricultural commodity and 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(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; 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 reduce its quality, or make it appear better or of greater value than it was; 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; and 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; or such tolerance had been prescribed, and the quantity of the pesticide chemical was in excess of the tolerance.

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 or measure; Section 403(f), a word, statement, or other 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) and in such terms 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 had been prescribed by regulation, and it failed to conform to such definition and standard; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations, and it fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1), its label failed to bear the common or usual name of the food; and (2), the article 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 had determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses; Section 403(k), the article contained an artificial flavoring or chemical preservative and it failed to bear labeling stating that fact.