

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26651-26750**

Adulteration, Section 402(a)(2), the article, in three cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406 and, in five 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 in whole 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 and strength; 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 had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance 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 or under authority of the Act to appear on the label or labeling 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(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) it was fabricated from two or more ingredients, and its label failed to bear the common 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 concerning its vitamin, mineral, and other dietary properties as the Secretary determined to be and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and 403(k), the article contained a chemical preservative and its label failed to state that fact.

BEVERAGES AND BEVERAGE MATERIALS

26651. Green coffee. (F.D.C. No. 43991. S. No. 74-134 P.)

QUANTITY: 50 130-lb. bags at New Orleans, La.

SHIPPED: On an unknown date, from Brazil.

LIBELED: 12-11-59, E. Dist. La.

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

DISPOSITION: On or about 8-18-60. Consent—claimed by Foltz Tea & Coffee Co., Inc., New Orleans, La., and exported to original foreign supplier.