

RESULTS OF INVESTIGATION: Examination showed that the article contained stones.

LIBELED: 4-27-61, E. Dist. Mo.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance which may have rendered it injurious to health.

DISPOSITION: 6-14-61. Default—destruction.

27283. Carrot juice, celery juice, and beet juice. (F.D.C. No. 43599. S. Nos. 63-201/3 P, 80-098/9 P.)

QUANTITY: 100 24-can cases labeled carrot juice, and 24 24-can cases of unlabeled carrot juice; 42 24-can cases of labeled celery juice, and 25 24-can cases of unlabeled celery juice; and 30 24-can cases of labeled beet juice, at Detroit, Mich., in possession of Health Champions, Inc.

SHIPPED: Between 4-8-58 and 8-1-59, from Eugene, Oreg., by Eugene Fruit Growers Association.

LABEL IN PART: (Can) "Organi-Rich Natural Oregon Carrot Juice [or "Celery Juice" or "Beet Juice"] Contents: 1 Pt. 2 Fluid Ounces. [or "12 fl. oz."] Undiluted, no salt, no color, no preservative added. Packed for: Health Champions, Inc. Detroit 5, Mich."

ACCOMPANYING LABELING: Booklets entitled "Raw Vegetable Juices," "Nature's Way to Health" and loose labels for labeling containers of celery, beet, and carrot juices.

LIBELED: 10-19-59, E. Dist. Mich.

CHARGE: 403(e)—when shipped, the cans in the 24-case lot of carrot juice and in the 25-case lot of celery juice failed to bear labels containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(j)—while held for sale, the articles purported to be and were represented as foods for special dietary use by reason of their use as a means of regulating the intake of sodium or salt (sodium chloride) and the labels of each article failed to bear, as prescribed by regulations, a statement of the number of milligrams of sodium per 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices No. 6375.

DISPOSITION: Health Champions, Inc., appeared as claimant and consented to the entry of a decree of condemnation and of permanent injunction. On 6-27-60, a decree was entered providing for the condemnation of the articles under seizure and the release under bond of the articles to be brought into compliance with the law. In addition, the decree permanently enjoined the claimant and its officers, agents, employees, representatives, and all other persons in active concert and participation with it from associating or causing to be associated with the above-described articles or any similar articles, while held for sale after shipment in interstate commerce, the booklets entitled "Raw Vegetable Juices" and "Nature's Way to Health" or any written, printed, or graphic matter which represent and suggest that such articles are adequate and effective for the treatment or prevention of colitis, ulcers, lung hemorrhages, acne, anemia, rheumatic conditions, constipation, rickets, functional heart trouble, arthritis, boils and carbuncles,

diabetes, cataracts, diphtheria, gonadal deficiency, Addison's disease, apoplexy, arteriosclerosis, measles, nerve disorders, varicose veins, low vitality, low blood pressure, suppressed menstruation, abnormal calcium deposits, and liver ailments.

NUTS

27284. Unshelled English walnuts (2 seizure actions). (F.D.C. Nos. 45288, 45309. S. Nos. 46-097 R, 46-102 R.)

QUANTITY: 59 ctns., 48 1-lb. bags each, at Asheville, N.C.; and 36 cases, 48 1-lb. bags each, at Morganton, N.C.

SHIPPED: 10-27-60 and 10-28-60, from Stockton, Calif.

LIBELED: 12-12-60 and 12-23-60, W. Dist. N.C.

CHARGE: 402(a)(3)—contained rancid, moldy, and shriveled nuts while held for sale.

DISPOSITION: 3-9-61. Consent—claimed by Diamond Walnut Growers, Inc., Stockton, Calif. Segregated; 3,086 lbs. converted into paint oil.

SPICES, FLAVORS, AND SEASONING MATERIALS

27285. Sweet and pungent sauce. (F.D.C. No. 45621. S. No. 28-283 R.)

QUANTITY: 436 cases, 12 jars each, at Duluth, Minn.

SHIPPED: 2-8-61 and 3-6-61, from Jackson, Ohio, by Chun King Corp.

LABEL IN PART: (Jar) "Chun King Sweet and Pungent Sauce Net Weight 8 OZS. * * * Ingredients * * * Distributed by the Chun King Corporation * * * Duluth, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-7-61, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-24-61. Consent—claimed by Harold M. Rose, t/a Dai-Day Co., Newark, N.J., and brought into compliance with the law.

27286. Spaghetti sauce. (F.D.C. No. 45395. S. No. 25-080 R.)

QUANTITY: 146 cases, 24 8-oz. cans each, at Kansas City, Mo.

SHIPPED: Between 9-3-60 and 10-10-60, from Milton, Pa., by American Home Foods, Inc.

LABEL IN PART: (Can) "Chef Boy-Ar-Dee Spaghetti Sauce with Meat * * * American Home Foods, Inc., Milton, Pa."

LIBELED: 1-18-61, W. Dist. Mo.

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

DISPOSITION: 3-13-61. Default—destruction of 31 cases which was the total amount seized.

27287. Flavoring sirup. (F.D.C. No. 44997. S. No. 35-996 R.)

QUANTITY: 25 ctns., containing a total of 765 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-9-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.