

VEGETABLES

27892. Canned sweetpotatoes. (F.D.C. No. 47247. S. No. 33-673 T.)

QUANTITY: 78 cases, 24 cans each, at Grand Forks, N. Dak.

SHIPPED: 11-10-61, from Fruitland, Md., by J. H. Dulaney Co.

LABEL IN PART: (Can) "Standby Whole Sweet Potatoes * * * Vacuum Pack with Sugar * * * 1 lb. 2 oz. * * * Packed for Fine Foods, Inc. Seattle, Washington Minneapolis, Minnesota."

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

LBELED: 3-16-62, Dist. N. Dak.

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

DISPOSITION: 5-3-62. Consent—delivered to a charitable institution.

27893. Canned sweetpotatoes. (F.D.C. No. 46948. S. No. 629 T.)

QUANTITY: 103 cases, 24 1-lb. 13-oz. cans each, at Vidalia, Ga.

SHIPPED: 11-13-61, from Cecelia, La.

LBELED: 2-2-62, S. Dist. Ga.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 4-17-62. Default—destruction.

27894. Celery. (F.D.C. No. 45662. S. Nos. 26-190 R, 35-179 R.)

INFORMATION FILED: 7-24-61, S. Dist. Calif., against Sakioka Farms, a partnership, Culver City, Calif., and Johnny K. Sakioka, and Jack T. Sakioka, partners.

SHIPPED: 5-26-60, from California to Pennsylvania and New York.

LABEL IN PART: (Crate) "Roy Boy Brand Select Vegetables Growers, Packers and Shippers Sakioka Farms, Culver City, California" and "Blue Mink Brand Select Vegetables Growers, Packers and Shippers Sakioka Farms Main Office Culver City California."

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which was unsafe within the meaning of 408(a) since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

PLEA: Nolo contendere.

DISPOSITION: 9-5-61. Partnership fined \$2; each individual fined \$300.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27895. Nutri-Kings tablets. (F.D.C. No. 45269. S. No. 43-241 R.)

QUANTITY: 3 360-tablet btls. and 2 540-tablet btls. at Berkeley, Calif.

SHIPPED: On unknown date, from New York, N.Y., by Universal Nutritions, Inc.

LABEL IN PART: (Btl.) "Universal Nutritions * * * Nutri-Kings Food Supplement These vitamins and minerals supplied in part from a special base of: Alfalfa Leaves, Pacific Coast Kelp, Parsley, Zein, Soy Bean and Watercress.

To insure proper potencies additional vitamins and minerals were added.
* * * Universal Nutritions, Inc., Dist. New York 13, N.Y."

ACCOMPANYING LABELING: Leaflets entitled "Universal Nutrition * * * Fall, 1960."

LIBELED: 12-9-60, N. Dist. Calif.

CHARGE: 402(a)(2)(C)—when shipped and while held for sale, the article contained a food additive, namely, folic acid, which was unsafe within the meaning of section 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to section 409; and 403(a)—the listing on the label of the article of the ingredients, namely, alfalfa leaves, Pacific Coast kelp, parsley, zein, soy bean, watercress, choline dihydrogen citrate, dl-methionine, inositol, para-aminobenzoic acid, biotin, vitamin K (Menadione), rutin, manganese, cobalt, copper, zinc, magnesium, potassium, fluorine, molybdenum, chlorophyllins, and lemon bioflavonoid complex (additional nutritional factor), was false and misleading since such listing represented that the ingredients so listed were present in nutritionally significant quantities for special dietary uses, whereas, such ingredients were not present in nutritionally significant quantities for special dietary uses.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: Universal Nutritions, Inc., claimed the article and filed an answer. Thereafter, on or about 1-30-61, pursuant to stipulation of the parties, the case was removed to the U.S. Dist. Court for Dist. N.J.

On or about 8-28-61, the libel was amended to allege that the article was adulterated within the meaning of 402(a)(2)(C) in that it contained an unsafe food additive.

On 11-29-61, the claimant having consented to a decree on the ground that the article was adulterated as alleged and without an adjudication of the misbranding charge, judgment of condemnation and destruction was entered. On 12-7-61, an amendment to the above decree ordered the U.S. marshal for the N. Dist. of Calif. to destroy the article.

27896. Addit 'Hi-Vi' Reducing Aid. (F.D.C. No. 45502. S. No. 20-520 R.)

QUANTITY: 62 cases, 24 ctn. vials each, at Detroit, Mich.

SHIPPED: 4-6-59, from Buffalo, N.Y., by Addit Co.

LABEL IN PART: (Ctn.) "Contents 120 Grams ADDIT 'Hi-Vi' Reducing Aid Multi Vitamin-Mineral Tonic For maintaining vitality while reducing Taken before meals, helps reduce appetite. Distributed by Addit Co., Grosse Pointe 36, Mich."

ACCOMPANYING LABELING: Leaflets in carton entitled "Reducer's Recipes" and "The ADDIT Plan For Reducing For Increasing Vitality For Gaining Weight."

LIBELED: 3-8-61, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the labeling of the article contained false and misleading representations that the article satisfied hunger, was a multi-vitamin-mineral tonic, was rich, filling, and energy giving, and was a refresher, that the minimum daily requirement for niacinamide had not been established, that milk and Addit constituted complete nutrition, and that the vitamins and minerals in the article were not present in the ordinary foods of the diets of children; 403(i)(2)—the label of the article failed to bear the common or usual