

ALLEGED VIOLATION: Between 12-22-60 and 3-15-61, while quantities of coconut and chocolate coating were being held for sale after shipment in interstate commerce, the defendant caused such articles to be held in a building that was accessible to and infested with insects and rodents and to be exposed to contamination by insects and rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the coconut contained cockroach and other insect fragments and the chocolate coating contained rodent-gnawed chocolate; and 402(a)(4)—the articles were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-2-62. \$1,500 fine.

28479. Pumpkin seeds, Fill-Mix, and pizza bits. (F.D.C. No. 47130. S. Nos. 2-544/6 T.)

QUANTITY: 75 cases, 24 jars each, of pumpkin seeds; 200 cases, 12 jars each, of Fill-Mix; and 50 cases, 12 jars each, of pizza bits, at Miami, Fla.

SHIPPED: 1-19-62, from Atlanta, Ga., by Filler Products, Inc.

LABEL IN PART: (Jar) "Filler's * * * Ready To Eat Pepitas Pumpkin Seeds * * * Ingredients: * * * Butylated Hydroxyanisole, Butylated Hydroxytoluene, and Methyl Silicone * * * Net Wt. 4 Oz. Mfg. by Filler Products, Inc. Atlanta, Ga."; "Filler's * * * Ready To Eat Fill-Mix Ingredients: Prepared Cereals, Pretzels, Nuts * * * Mfg. by Filler Products, Inc. Atlanta, Ga. * * * Net Wt. 4 Oz."; and "Filler's * * * Ready To Eat Pizza Bits Ingredients * * * Mfg. by Filler Products, Inc. Atlanta, Ga. * * * Net Weight 3¼ Oz."

RESULTS OF INVESTIGATION: Examination showed that the mandatory information was inconspicuous due to being printed in very small type, in metallic, gold-colored reflective ink and/or was on a highly reflective background.

LIBELED: 3-5-62, S. Dist. Fla.

CHARGE: 403(f)—when shipped, the information required under 403 (e) (1), (e) (2), (i) (2), and (k) to appear on the label, namely, the manufacturer's name and place of business, the quantity of contents statements, the common or usual name of each ingredient, and (pumpkin seeds) the declaration of chemical preservatives and (Fill-Mix and pizza bits) the declaration of artificial color, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and (pumpkin seeds) 403(k)—the article contained butylated hydroxyanisole and butylated hydroxytoluene, and its label failed to state that these ingredients were chemical preservatives.

DISPOSITION: 4-26-62. Consent—claimed by Filler Products, Inc., and relabeled.

SPICES, FLAVORS, AND SEASONING MATERIALS

28480. Avocado dressing. (F.D.C. No. 47752. S. No. 57-268 T.)

QUANTITY: 24 cases, 12 jars each, and 10 jars, at Oklahoma City, Okla.

SHIPPED: 5-20-62, from Fort Worth, Tex., by Stanfield Food Products.

LABEL IN PART: (Case) "12-12 Oz. Stanfield's Brand Stanfield Food Products, Fort Worth, Texas" and (jar) "Stanfield's Avocado Dressing * * * A Delicious Salad Dressing Net Contents 12 Ozs. Ingredients * * * Pure

Food Coloring, 1/10 of 1% Benzoate of Soda Stanfield's Golden Fin, Fort Worth, Texas."

RESULTS OF INVESTIGATION: Examination and investigation showed that the product was essentially a salad dressing containing an insignificant amount of avocado ingredient, in which the avocado flavor could not be detected, and that it contained artificial green color. The article failed to conform to the definition and standard of identity for salad dressing in that it contained artificial color and sodium benzoate, ingredients not permitted by such standard.

LIBELED: 6-13-62, W. Dist. Okla.

CHARGE: 402(b)(4)—when shipped, green color had been added to the article so as to make it appear better or of greater value than it was; 403(a)—the name "Avocado Dressing" was false and misleading as applied to a product containing an insignificant amount of avocado ingredient and in which the flavor of avocado could not be detected; and 403(g)(1)—the article failed to conform to the definition and standard of identity for salad dressing.

DISPOSITION: 7-11-62. Default—delivered to a charitable institution.

28481. Horseradish. (F.D.C. No. 47797. S. No. 11-914 T.)

QUANTITY: 99 cases, 24 jars each, at Youngstown, Ohio.

SHIPPED: 6-5-62, from Rochester, N.Y., by Pure Foods Co.

LABEL IN PART: (Jar) "Edgebrook Prepared Horseradish * * * Net Contents 4 Fl. Oz. Orchard Park Foods, Inc. Buffalo, N.Y. Distributor."

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

LIBELED: On or about 7-20-62, N. Dist. Ohio.

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

DISPOSITION: 8-15-62. Default—destruction.

28482. Hyglo meat seasoning. (F.D.C. No. 47673. S. No. 7-983 T.)

QUANTITY: 1 drum, containing approximately 80 lbs., at New Britain, Conn.

SHIPPED: 3-14-62, from Long Island City, N.Y., by First Spice Mixing Co., Inc.

LABEL IN PART: (Drum) "First Spice Mixing Company * * * Hyglo Seasoning No. 555-2 Ingredients: Dextrose, Sodium Erythorbate, Sodium Citrate, Erythorbic Acid, Sodium Nicotinate, Citric Acid, Sodium Carbonate, Butylated Hydroxyanisole, Propyl Gallate, Propylene Glycol, not more than 2% Calcium Stearate."

RESULTS OF INVESTIGATION: Factory inspection of the manufacturer, First Spice Mixing Co., Inc., disclosed that niacin, rather than sodium nicotinate, and polyvinyl pyrrolidone were added to the article.

LIBELED: 6-27-62, Dist. Conn.

CHARGE: 402(a)(2)(C)—when shipped, the article contained food additives, namely, niacin and polyvinyl pyrrolidone, which were unsafe within the meaning of 409 since they, their uses or intended uses, were not in conformity with a regulation or exemption in effect pursuant to 409; and 403(k)—the article contained chemical preservatives, namely, sodium erythorbate, sodium citrate,