

tary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained artificial coloring, or a chemical preservative, and failed to bear labeling stating that fact.

BEVERAGES AND BEVERAGE MATERIALS

28701. Green coffee beans. (F.D.C. No. 48281. S. No. 18-274 V.)

QUANTITY: 141 132-lb. bags at Houston, Tex.

SHIPPED: 9-13-62, from Buenaventura, Colombia.

LIBELED: 11-6-62, S. Dist. Tex.

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

DISPOSITION: 12-5-62. Consent—claimed by East Asiatic Co., Inc., New York, N.Y., and reconditioned to remove the unfit material.

28702. Maxwell House instant coffee. (F.D.C. No. 47567. S. Nos. 68-282 T, 68-284 T.)

QUANTITY: 861 $\frac{1}{3}$ cases, 18 10-oz. jars each, at Chicago, Ill., in possession of National Tea Co.

SHIPPED: Between 2-1-62 and 4-24-62, from Houston, Tex., by General Foods Corp.

LABEL IN PART: (Jar) "Giant Economy Size 10 Oz. Instant Maxwell House Coffee * * * Made by Maxwell House Division General Foods Corporation Hoboken, N.J. * * * 10 Oz. Net Wt."

RESULTS OF INVESTIGATION: Investigation showed that the 10-oz. size jars of this article were being sold in the retail stores of the dealer at \$1.44 per jar, or 14.4 cents per ounce, while the 6-oz. jars of the same product were being sold in the same stores at 75 cents per jar, or 12 $\frac{1}{2}$ cents per ounce.

LIBELED: 4-26-62, N. Dist. Ill.

CHARGE: 403(a)—when shipped and while held for sale, the label statement "Giant Economy Size" on the jar labels and on the jar lids of the 10-oz. size jars, was false and misleading since it suggested and implied that it was more economical for the consumer to purchase the article in the 10-oz. size jars than the article in smaller size jars, whereas, it was not more economical for the consumer to purchase the article in the 10-oz. size jars than in smaller size jars, since the cost to the consumer, of the article in 6-oz. size jars sold at the usual retail price in the National Tea Company's retail stores in the Chicago area, was less on a per ounce basis than the cost to the consumer of the article in the 10-oz. jars.

DISPOSITION: 7-27-62. Consent—claimed by General Foods Corp., and National Tea Co., which firms denied that the articles were in violation. They consented to the entry of a consent decree of condemnation, without trial or adjudication of any issue of fact or law, and without admission by any party with respect to any such issue. The articles were relabeled except for 17 broken jars which were destroyed.

28703. Tea. (F.D.C. No. 46106. S. No. 80-605 R.)

QUANTITY: 86 cases, each containing 24 boxes of 48 tea bags each, at Readville, Mass.

SHIPPED: 6-20-61, from Hoboken, N.J., by Standard Brands, Inc.

LABEL IN PART: (Box) "Tender Leaf Brand Orange Pekoe and Pekoe Cut Black Tea 48 Tea Bags Net Weight 3 $\frac{3}{4}$ Ozs. Packed by Standard Brands Inc. New York, N.Y."

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

LIBELED: 7-24-61, Dist. Mass.

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

DISPOSITION: 11-21-61. Default—ordered destroyed or delivered to a public or charitable institution.

28704. Drink mixes. (F.D.C. No. 47709. S. Nos. 75-438/9 T.)

QUANTITY: 30 cases, 12 1-pt. btls. each, of "Riva Screwdriver Mix," and 30 cases, 12 1-pt. btls. each, of "Riva Collins Mix," at Reno, Nev.

SHIPPED: Between 4-6-62 and 5-9-62, from San Francisco, Calif., by Riva Distributing Co.

LABEL IN PART: (Btl.) "Riva Screwdriver Mix Concentrated Ingredients: Concentrated Orange Juice, Sugar, Water, Citric Acid, Oil of Orange, $\frac{1}{10}$ of 1% Benzoate of Soda, Certified Food Color. * * * Riva Distributing Co., San Francisco, Calif." and "Riva Collins Mix Sweetened Ingredients: Lemon Juice, Oil of Lemon, Citric Acid, Water, Sugar, Vegetable Gum, Certified Food Color, $\frac{1}{10}$ of 1% Benzoate of Soda. * * * Riva Distributing Co., San Francisco, Calif."

RESULTS OF INVESTIGATION: Examination revealed that the quantity of contents statement and the statement of ingredients were inconspicuous due to being printed in gold-colored ink on a highly reflective, colored background.

LIBELED: 7-19-62, Dist. Nev.

CHARGE: 403(f)—when shipped, the information required by 403(e)(2), 403(i)(2), and 403(k), namely, the statement of quantity of contents, and the common or usual name of each ingredient and the declaration of artificial color and a chemical preservative, was not prominently placed on the labels with such conspicuousness (as compared with other words and statements on the labels) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; 403(k)—the articles contained artificial coloring and a chemical preservative and failed to bear a label stating that fact; and 403(i)(2)—the Collins Mix failed to bear the common or usual name of an ingredient, in that the name "Vegetable gum" was not the common or usual name of an ingredient.

DISPOSITION: On 9-27-62, Jane Riva and Charles Riva, t/a Riva Distributing Co., claimed the articles and denied that the articles were misbranded. Thereafter, the case was removed to the United States District Court for the Northern District of California. On 12-19-62, the claimant having withdrawn its claim and answer, a default decree was entered and the articles were destroyed.

28705. Whiskey. (F.D.C. No. 48271. S. No. 39-241 V.)

QUANTITY: 950 cases, containing 24 pt. btls. each, 518 cases containing 12 $\frac{1}{2}$ -qt. btls. each, and 25 cases, containing 12 qt. btls. each, at Jersey City, N.J.

SHIPPED: 10-4-62, from Freeport, Pa.