

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 29401-29500**

*Adulteration*, Section 402(a)(2)(B), the article was a raw agricultural commodity and it bore or contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(2)(C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a)(3), the article consisted in whole or in part of a filthy, putrid, 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 might have become contaminated with filth or might have been rendered injurious to health; 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 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare, or because the quantity of the pesticide chemical in or on the raw agricultural commodity was not within the limits of a tolerance prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

*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 the contents in terms of weight, measure, or numerical count; 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(g)(2), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear, as required by regulations, the common name of certain optional ingredients present in such food; 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 article, and (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(k), the article contained a chemical preservative and failed to bear labeling stating that fact.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

29401. French hard rolls, angelfood cake, and pound cake. (F.D.C. No. 45987. S. Nos. 46-272 R, 58-263/4 R.)

INDICTMENT RETURNED: 12-4-61, M. Dist. Ga., against Benson's, Inc., Bogart, Ga.

**SHIPPED:** Between 9-28-60 and 10-9-60, from Bogart, Ga., to Greenville, S.C.  
**LABEL IN PART:** "12 Enriched Rolls French Hard \* \* \* Rolls Dixie Darling Distributed Exclusively By Winn-Dixie Stores, Inc. Headquarters: Jacksonville, Fla.," "DIXIE DARLING Angel Food Cake 49¢ Net Wt. 1 Lb. 1 Oz. Dist. By Winn-Dixie Stores, Inc. Jacksonville, Florida," and "DIXIE DARLING Pound Cake Special 39¢ Net Wt. 1 Lb. Dist. By Winn-Dixie Stores, Inc. HDQS. Jacksonville, Fla."

**CHARGE:** 402(a)(3)—contained fly and insect parts and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 12-5-61. \$1,500 fine.

**29402. Bread and rolls.** (F.D.C. No. 45584. S. Nos. 35-556/7 R.)

**INFORMATION FILED:** 7-6-61, Dist. N.J., against Victory Baking Co., a partnership, Jersey City, N.J., and Max Cohen, partner.

**SHIPPED:** On 9-29-60, from Jersey City, N.J., to New York, N.Y.

**LABEL IN PART:** (Pkg.) "COHEN Victory Jersey City, N.J. BLUMAN."

**CHARGE:** 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 1-10-64. Partnership and individual each fined \$800.

**29403. Diet-Snax crackers.** (F.D.C. No. 46159. S. No. 73-809 R.)

**QUANTITY:** 257 cases, each containing 36 pkgs., at Los Angeles, Calif.

**SHIPPED:** Between 6-6-61 and 6-30-61, from New York, N.Y., by Aron Streit, Inc.

**LABEL IN PART:** (Pkg.) "Diet-Snax by Streit's—Net Wt. 12 ozs.—Mfd. by Aron Streit, Inc., \* \* \* N.Y., N.Y."

**RESULTS OF INVESTIGATION:** Examination showed the article to be approximately 7½ percent short weight.

**LIBELED:** 8-2-61, S. Dist. Calif.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Net Wt. 12 Ozs." was inaccurate.

**DISPOSITION:** 8-23-61. Consent—claimed by I. Rudin & Co., of Los Angeles, Calif., and relabeled.

**29404. Fruitcake with sauce.** (F.D.C. No. 47145. S. No. 40-925 T.)

**QUANTITY:** 25 3¼-oz. cans and 26 2½-oz. cans, at Brooklyn, N.Y.

**SHIPPED:** Between 12-4-61 and 12-18-61, from Houston, Tex., by Carver Foods Co.

**LABEL IN PART:** (Can lid) "Mrs. Carver's [on top] \* \* \* [on sides] 25 Miniatures plus 2¾ oz. rum sauce \* \* \* Ingredients in both Light and Dark cakes: \* \* \* sodium propionate \* \* \* If Light cake: also contains sherry wine \* \* \* If Dark cake: also contains genuine aged rum, age-old brandy, home-baked by Carver Foods Company, Houston, Texas"; (jar) "Delicious Rum Sauce \* \* \* Ingredients: Genuine Rum, Age-Old Brandy."