

that the label statements of the proportions of the minimum daily requirements for vitamins A and B₂ supplied by the article was false and misleading since they were contrary to fact; 403(a)—when shipped, the labeling of the Hi-42 capsules was false and misleading in that the listing and references in the labeling of the article as to the inclusion in the article of the ingredients desiccated liver, inositol, dl-methionine, and choline dihydrogen citrate, suggested and implied, contrary to fact, that the nutritional value of the article was enhanced by the presence therein of these ingredients; in that the statement "Need in human nutrition has not been established" as applied to calcium panthothenate was false and misleading, since the need in human nutrition for calcium panthothenate had been established; and in that the label statements of the proportion of the minimum daily requirement for vitamin B₁ was false and misleading since it was contrary to fact; and 403(j)—when shipped, the Nutri-Kings tablets and Hi-42 capsules purported to be and were represented as foods for special dietary use by reason of their vitamin content and their labels failed to bear such information concerning their dietary properties as the Secretary had determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to their value for such uses, since the label of the Nutri-Kings tablets failed to bear, as regulations require, a statement of the proportion of the minimum daily requirements for vitamins A and B₂ and niacinamide supplied by such food when consumed in a specified quantity during a period of one day, and the label of the Hi-42 capsules failed to bear a statement of the proportion of the minimum daily requirement for vitamin B₁ supplied by such food when consumed in a specified quantity during a period of one day.

DISPOSITION: 12-11-64. Default—destruction.

MISCELLANEOUS FOODS

30098. Corn husks. (F.D.C. No. 50907. S. No. 65-499 A.)

QUANTITY: 27 60-lb. bales at Norwalk, Calif.

SHIPPED: Between 10-19-64 and 12-3-64, from San Antonio, Tex., by Max Feed Store, Oscar's Tomatoes, and Mendez Produce.

LIBELED: 12-31-64, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects and moldy corn husks when shipped.

DISPOSITION: 1-21-65. Default—destruction.

30099. Corn husks. (F.D.C. No. 50896. S. No. 64-564 A.)

QUANTITY: 7 unlabeled and 1 labeled 50-lb. bales at San Diego, Calif.

SHIPPED: 11-12-64, from Mexico, by unknown shipper.

LABEL IN PART: (Bale) "Corn Husk Product of Mexico Produced in State of Nayarit Hoja De Primera DLD 6-6-63."

LIBELED: 12-23-64, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, insect excreta, and insect-damaged corn husks when shipped.

DISPOSITION: 1-25-65. Default—destruction.

30100. Corn husks. (F.D.C. No. 50919. S. No. 120-221 A.)

QUANTITY: 8 unlabeled bales, each containing approximately 58 lbs., at Los Angeles, Calif.

SHIPPED: 12-4-64, from Tijuana, Mexico.

LIBELED: 1-7-65, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, insect larvae, insect excreta, insect webbing, and moldy corn husks while held for sale.

DISPOSITION: 2-5-65. Default—destruction.

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| Fig preserves | 30054 | Pollock, frozen | 30044 |
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| Fish and shellfish | 30044-30051 | blue | 30091 |
| fillets, frozen | 30045 | Preserves, fig | 30054 |
| Flavors. See Spices, flavors, and seasoning materials. | | | |

¹ (30025, 30055) Injunction issued.

² (30081, 30092) Prosecution contested.

U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

30101-30200

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were alleged to be adulterated or misbranded within the meaning of the Act, when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default, consent, or, in one case, summary judgment; (2) criminal proceedings which were terminated upon pleas of guilty and nolo contendere; and (3) injunction proceedings in which consent decrees of permanent injunction were entered. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *December 13, 1965.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 30101-30200

Adulteration, Section 402(a)(1), the article contained a poisonous or deleterious substance which might render it injurious to health; Section 402(a)(2)(B), the article was a raw agricultural commodity and 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(b), the article was offered for sale under the name of another food; Section 403(d), the container of the article was so made, formed, or filled as to be 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(g), 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 (1) it failed to conform to such definition and standard; and (2) its label failed to bear the name of the food specified in the definition and standard; Section 403(i)(1), the article was not subject to the provisions of Section 403(g) and its label failed to bear the common or usual name of the article; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.