

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 30301-30400

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 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; 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; 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(g)(1), 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 it failed to conform to such definition and standard; Section 403(h), the article purported to be or was represented as (1) a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard or (2) a food for which a standard of fill of container had been prescribed by regulations and it fell below the applicable standard of fill of container; 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.

CEREALS AND CEREAL PRODUCTS**FLOUR***

30301. Flour. (F.D.C. No. 50796. S. Nos. 37-865/6 X, 73-059/60 A.)

INFORMATION FILED: 3-24-65, W. Dist. La., against Louisiana Wholesale Distributors, a partnership, Alexandria, La.

*See also No. 30318.

ALLEGED VIOLATIONS: Between 8-13-62 and 4-10-64, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building accessible to rodents and insects and caused the article to be exposed to contamination by rodents and insects, which act resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained rodent urine (counts 1, 3, and 4), and tribolium, sawtoothed grain, and cadelle beetles (count 2); and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-17-65. \$700 fine.

30302. Flour. (F.D.C. No. 50788. S. No. 14-975 A.)

INFORMATION FILED: 4-2-65, Dist. Mass., against Warren Baking Corp., Cambridge, Mass., and Salvatore Giacchetto, treasurer.

ALLEGED VIOLATIONS: Between 7-10-64 and 7-16-64, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the flour to be held in a building accessible to insects and to be exposed to contamination by insects by placing the flour in insect-contaminated flour conveying equipment, which act resulted in the flour being adulterated.

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

PLEA: Guilty.

DISPOSITION: 8-24-65. Each defendant—\$250 fine.

30303. Flour, rye bread, and enriched white bread. (F.D.C. No. 50813. S. Nos. 35-925/8 A.)

INFORMATION FILED: 8-9-65, W. Dist. Ky., against Nick Warisse Baking Co., Inc., Louisville, Ky.

ALLEGED VIOLATIONS: Between 6-24-64 and 7-28-64, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the flour to be held in a building that was accessible to insects and to be exposed to contamination by insects, by placing the flour in insect-contaminated flour conveying equipment, which acts resulted in the article being adulterated

The defendant also caused the introduction into interstate commerce of bread which was adulterated as described below.

LABEL IN PART: (Loaves) "Aunt Hattie's Bread 1¼ Lbs. Old Settler thin sliced Rye Nick Warisse Baking Co., Inc., Louisville Ky.," and "Aunt Hattie's White Enriched Bread Nick Warisse Baking Co., Inc., Louisville, Ky."

CHARGE: 402(a)(3)—the flour contained insects, insect larvae, insect pupae, and cast skins; the rye bread contained insect fragments; the enriched bread contained fly fragments; and 402(a)(4)—the flour had been held and the breads prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-8-65. \$400 fine of which \$200 was suspended, and probation for 1 year.