

# FEDERAL SECURITY AGENCY

## 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]

3226-3425

#### FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., October 23, 1942.

#### CONTENTS

	Page		Page
Beverages and beverage materials.....	65	Fruits and vegetables.....	84
Cereal products.....	66	Canned fruits.....	84
Flour.....	68	Canned vegetables.....	88
Miscellaneous.....	68	Tomatoes and tomato products.....	96
Feed.....	69	Other fruit and vegetable products.....	100
Dairy products.....	70	Dried fruits and vegetables.....	103
Butter.....	70	Poultry.....	105
Cheese.....	74	Nuts and nut products.....	107
Cream.....	76	Peanut butter.....	108
Condensed milk.....	77	Olive oil.....	109
Eggs.....	77	Saccharine products.....	114
Fisheries products.....	80	Candy.....	114
Frozen fish and shellfish.....	80	Miscellaneous.....	117
Miscellaneous.....	83	Flavors and spices.....	118
		"Health" foods.....	121
		Index.....	123

#### BEVERAGES AND BEVERAGE MATERIALS

**3226. Adulteration of grape juice. U. S. v. 200 Cases of Grape Juice. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6663. Sample No. 73486-E.)**

Examination showed that this product contained added water.

On January 6, 1942, the United States attorney for the Western District of Oklahoma filed a libel against 200 cases, each containing 12 bottles, of grape juice at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about November 11, 1941, by El Reno Wholesale Grocery Co. from Springdale, Ark.; and charging that it was adulterated. It was labeled in part: "Contents One Quart Steele's Pure Concord Grape Juice Packed For Steele Canning Co. Springdale Ark."

The article was alleged to be adulterated in that water had been substituted in part for grape juice; and in that water had been added thereto so as to increase

its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On March 21, 1942, Steele Canning Co., claimant, having admitted the allegations of the libel, judgement of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3227. Adulteration and misbranding of imitation fruit juices. U. S. v. 4 Cases of Imitation Fruit Juices. Default decree of destruction. (F. D. C. No. 6725. Sample No. 17366-E.)**

Examination showed that these products contained mold; and that they consisted of sweetened water, artificially flavored and colored to simulate the flavor and color of cherry, lime, grape, and orange juices. Little or no fruit juice was found.

On January 24, 1942, the United States attorney for the District of Utah filed a libel against 4 cases, each containing 20 cartons of 120 bottles each, of imitation fruit juices at Salt Lake City, Utah, alleging that the articles had been shipped in interstate commerce on or about September 19, 1941, by Texas Wax Goods Co. from Fort Worth, Tex.; and charging that they were adulterated and misbranded. They were labeled in part: (Display card enclosed in wholesale carton) "1¢ Nip and Chew Imitation Fruit-Juices Cherry Lime Grape Orange."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

They were alleged to be misbranded (1) in that the prominent designation "Fruit-Juices Cherry Lime Grape Orange" was false and misleading as applied to imitation cherry, imitation lime, imitation grape, and imitation orange juices, and was not corrected by the inconspicuous word "Imitation" appearing on the label; and (2) in that they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated.

On March 7, 1942, no claimant having appeared, judgment was entered ordering that the products be destroyed.

## CEREAL PRODUCTS

### FLOUR

**3228. Adulteration of cake and pastry flour. U. S. v. 50 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 6716. Sample No. 84235-E.)**

This product contained rodent excreta, rodent hairs, and insect fragments.

On January 15, 1942, the United States attorney for the Eastern District of New York filed a libel against 50 bags of flour at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce on or about December 19 and 26, 1941, by the Durham Valley Mills from Durham, Pa.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Tag) "Colonial Country Maid Cake and Pastry Flour."

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3229. Adulteration of rye flour, rye meal, and buckwheat flour. U. S. v. 35 Bags of Rye Flour (and 5 additional seizure actions against similar products). Default decrees of condemnation. Portions of products ordered distributed to Federal correctional institutions for use as hog feed; remainder ordered sold to foundries for technical use. (F. D. C. Nos. 6058, 6277, 6295, 6678, 6695, 6785. Sample Nos. 74060-E, 74880-E, 74889-E, 84846-E, 84850-E, 84864-E.)**

The buckwheat flour, buckwheat and wheat flour, and rye meal contained one or more of various kinds of filth such as rodent hairs, insect fragments, or rodent excreta. The rye flour had been stored under insanitary conditions and was contaminated by rodent filth.

Between October 30, 1941, and January 30, 1942, the United States attorney for the District of Connecticut filed libels against 35 98-pound bags of flour at Hartford, 14 98-pound bags of rye meal at New Haven, 13 98-pound bags of rye meal at Bridgeport, 4 125-pound bags of buckwheat and wheat flour and 21 100-pound bags of buckwheat flour at Milford, and 7 125-pound sacks of buckwheat flour at Waterbury, Conn., alleging that the articles had been shipped in interstate commerce within the period from on or about April 22, 1941, to on or