

DISPOSITION: 5-22-64. Consent—claimed by Victoria Elevator Co., Minneapolis, Minn., and denatured.

29724. Wheat. (F.D.C. No. 50093. S. No. 71-010 A.)

QUANTITY: 112,200 lbs. at St. Paul, Minn.

SHIPPED: 5-5-64, from Bowbells, N. Dak., by Farmers Union Cooperative Association.

LIBELED: 5-18-64, Dist. Minn.

CHARGE: 402(a) (3)—contained bird excreta; and 402(a) (4)—held under insanitary conditions when shipped.

DISPOSITION: 6-3-64. Consent—claimed by Farmers Union Cooperative Association, Bowbells, N. Dak. Reconditioned and segregated; 2,950 lbs. destroyed.

29725. Wheat. (F.D.C. No. 50091. S. No. 57-573 A.)

QUANTITY: 120,000 lbs. at Topeka, Kans.

SHIPPED: 4-24-64, from Havre, Mont., by Farmers Grain Exchange.

LIBELED: 5-20-64, Dist. Kans.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-5-64. Consent—claimed by Farmers Grain Exchange, Havre, Mont. Reconditioned; 11,820 lbs. segregated as unfit.

29726. Wheat. (F.D.C. No. 50231. S. No. 71-497 A.)

QUANTITY: 121,900 lbs. at Minneapolis, Minn.

SHIPPED: 5-29-64, from Dupree, S. Dak., by Farmers Cooperative Elevator Co.

LIBELED: 6-16-64, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-25-64. Consent—claimed by Farmers Cooperative Elevator Co., Dupree, S. Dak., and denatured.

CONFECTIONERY, SUGAR, AND SIRUP

CONFECTIONERY

29727. Raspberry laces, licorice twist, decoettes, and gumbo file. (F.D.C. No. 49775. S. Nos. 50-320 X, 79-041 X, 79-044 X, 79-048 X.)

QUANTITY: 51 ctns., each containing 12 4¼-oz. bags of raspberry laces; 27 ctns., each containing 12 7-oz. bags of licorice twist; 10 ctns., each containing 12 1-oz. bags of decoettes; and 4 ctns., each containing 48 ½-oz. bags of gumbo file; at San Francisco, Calif., in possession of Desert Sun Dried Fruit Co.

SHIPPED: Between 6-26-62 and 10-31-63, from New York, N.Y., St. Louis, Mo., Milton, Mass., and New Orleans, La.

LABELS IN PART: (Bags) "Peter Pan Brand * * * Raspberry Laces [or "Licorice Twist"] Packed by Desert Sun Co., San Francisco, Calif."; and "Desert Sun Decoettes [or "Gumbo File"] * * * Packed By Desert Sun Co. San Francisco, Calif."

RESULTS OF INVESTIGATION: The articles had been shipped as above in bulk and had been repacked by the dealer. All the articles except the gumbo file were contained in clear plastic bags and the mandatory information required to appear on the labels was inconspicuous due to being printed in small type, in ink of a color which did not contrast with the product in the background.

LIBELED: 2-13-64, N. Dist. Calif.

CHARGE: 403(f)—while held for sale, the information required to appear on the labels of the articles (except the gumbo file) under 403(e) (2), 403(i) (2), and 403(k), namely, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavoring and coloring, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

403(i) (2)—while held for sale, the gumbo file was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 4-17-64. Default—destruction.

SUGAR AND SIRUP

29728. Dextra Sugar (2 seizure actions). (F.D.C. Nos. 46745, 46746. S. Nos. 107 T, 54-804 T.)

QUANTITY: 119 cases, each containing 12 48-oz. bags, and 449 cases, each containing 12 3-lb. bags, at Tampa, Fla., and Jacksonville, Fla.

SHIPPED: 7-21-61, from Ottawa, Ohio, by Dextra Corp.

LABEL IN PART: (Case) "Dextra Fortified Sugar * * * Dextra Corporation, Ottawa, Ohio," and (bag) "New Dextra Brand Fortified Cane Sugar Fortified with Vitamins and Minerals White-Granulated * * * (4.1 Calories Per Gram) * * * Manufactured and Distributed in Florida by The Sugarlogics Southern Corporation, Delray Beach Florida."

RESULTS OF INVESTIGATION: Examination showed that the article consisted of over 98 percent sucrose.

LIBELED: 12-14-61, S. Dist. Fla.; libel amended 11-30-62.

CHARGE: 403(a)—when shipped, the name of the article was false and misleading, since it suggested and implied that the article was dextrose; 403(a)—the label contained false and misleading representations that the nutritional content of diets generally was significantly improved by use of the article; that the article in the ordinary diet was significantly more nutritious than any other sugar; that the article was of significant value because it restored vitamins and minerals lost in the refinement of cane juice; that all of the vitamins and minerals in the article were present in nutritionally significant amounts for special dietary use; and that the article was manufactured in Florida by the Sugarlogics Southern Corp., Delray Beach, Fla.; 403(a)—the label statement "4.1 calories per gram" was misleading since the specified calorie content of a gram of the article would not be understood by consumers generally, and the statements "Total Sugars (Carbohydrate) not less than 94%" and "Non-sugar solids not more than 6%" were misleading as applied to a product containing over 98 percent sucrose; 403(a)—the label when read in its entirety and through the use of such statements as "New * * * Fortified * * * Sugar," and "Fortified with Vitamins and Minerals," among others, represented, suggested, and implied that the American diet is significantly deficient in vitamins and minerals and that the article would supply the vitamins and minerals necessary to correct the implied deficiencies; and 403(i) (2)—the label of the article failed to bear the common or usual name of each ingredient, since it failed to bear the common or usual name of the vitamin and mineral compounds added to the article.