

SHIPPED: 3-9-64, from Mexico, by Select Corn Husk Co.

LABEL IN PART: (Bag) "Corn Husks \* \* \* For Tamales \* \* \* Packed by California Corn Husk Co. \* \* \* Norwalk Calif."

LIBELED: 8-5-64, N. Dist. Calif.

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

DISPOSITION: 10-6-64. Default—destruction.

29800. Canned Kasha soup. (F.D.C. No. 48577A. S. No. 39-588 V.)

INFORMATION FILED: 9-26-63, Dist. Del., against Gioia Specialty Foods, Inc., Odessa, Del.

SHIPPED: 9-10-62, from Odessa, Del., to Brooklyn, N.Y.

LABEL IN PART: (Can) "Meal Mart Kosher Condensed Kasha Soup Distributed By Meal Mart, Inc., Brooklyn, N.Y."

CHARGE: 402(a)(3)—contained insect fragments and insect larvae; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-29-64. \$500 fine.

### INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 29701 TO 29800

#### PRODUCTS

	N.J. No.		N.J. No.
Almonds, bitter	29761	Cherry peppers, pickled	29753
Bakery products	29701, 29702	Chili peppers, pickled	29759
Banana peppers, hot	29756	Color additive violation	29756
sweet	29756	Confectionery	29727
Beans, Great Northern, dried	29750	Corn husks	29799
green, canned	29751, 29752	Cornmeal	29703, 29704
kidney, dried	29749	Currants	29745
pinto, dried	29750	Dairy products	29733-29738
Brazil nuts, shelled	29762	Date(s)	29747
Bread	29798	pitted	29746
dough, frozen	29701	products	29747
Breeding mix	<sup>1</sup> 29713	Decorettes	29727
Brewers yeast	29787	Dextra Sugar	<sup>3</sup> 29728
Butter	29733-29736	Dough, bread, frozen	29701
peanut	29780	whitener	29798
Cake flour	29710	Feed(s) and grains	29739-29741
Candy. <i>See</i> Confectionery.		medicated	29739, 29740
Cashews, shelled	29763, 29764	Flavors. <i>See</i> Spices, flavors, and seasoning materials.	
Cereals and cereal products	29701-29726	Flour	29705-29710, 29714
Cheese	<sup>2</sup> 29737, 29738	cake	29710
Cherries, canned	29744	self-rising	29707
glaced	29742		
maraschino	29742		

<sup>1</sup> (29713) Prosecution contested. Contains motion to dismiss, order of the district court, and opinion of the U.S. Supreme court.

<sup>2</sup> (29737) Injunction issued.

<sup>3</sup> (29728) Seizure contested. Contains opinion of the district court and of the appellate court.

# 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]

29801-29900

#### 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 misbranding 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 or consent; (2) criminal proceedings which were terminated upon pleas of guilty and nolo contendere; and (3) injunction proceedings involving the entry of a temporary restraining order and a consent decree of permanent injunction. 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., *May 25, 1965.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 29801-29900**

*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) (3), damage or inferiority had been concealed in some manner; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight; 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(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 a 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 as required by regulations, the common name of certain optional ingredients present in such food; Section 403(h) (1), the article purported to be or was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard; 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(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.