

30600. Miscellaneous water-damaged canned food products. (F.D.C. No. 51710. S. No. 108-528 B.)

QUANTITY: 315 cases at Minneapolis, Minn.

SHIPPED: Prior to 4-16-65, from outside the State of Minnesota.

RESULTS OF INVESTIGATION: Articles were submerged in polluted flood waters of the Mississippi River in April 1965. Examination showed that the cans were rusted, leaking, dented, and that the labels were water damaged, partly illegible, or missing.

LIBELED: 11-5-65, Dist. Minn.

CHARGE: 402(a)(3)—contained a decomposed substance; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-20-65. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 30501 TO 30600

PRODUCTS

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Peas, black-eyed, dried.		Fish and shellfish.....	30542-30548
Great Northern, dried.....	30559	Flavors. <i>See</i> Spices, flavors, and	
green, canned.....	30556	seasoning materials.	
frozen.....	30557	Flour.....	30501-30511, 30598
mung.....	30558	self-rising.....	30510, 30511
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Beef, canned.....	30571		30590, 30592
Biscuit mix.....	30501	Foods, special purpose..... ¹	30585
Cereals and cereal products.....	30501-	water-damaged.....	30599, 30600
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Chicken(s) broth.....	30574	fruit, canned.....	30549-30551
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Corn, yellow and white, mixed....	30530	vegetables and vegetable prod-	
husks.....	30593-30596	ucts.....	30555-30562
Cornmeal.....	30501	Garbanzos (chickpeas).....	30555
Cottonseed oil.....	30575	Great Northern beans, dried....	30559
Crabmeat, fresh.....	30543	Grits.....	30510
Dietary food supplements.....	30591	Instant Jel (food starch).....	30598
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Fennel seed.....	30578	Mung beans.....	30558
whole.....	30579		

¹(30585) Suits for declaratory judgment and injunction. Contains opinions of the District Court and Court of Appeals.

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]

30601-30700

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, or consent; and (2) criminal proceedings which were terminated upon pleas of guilty and nolo contendere, and in one case upon a verdict of not guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

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

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., November 25, 1966.

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 30601-30700

Adulteration, 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 wholly or in part for the article; and Section 409, a food additive was deemed to be unsafe because 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(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, as required by regulations, the common name of a certain optional ingredient 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; and Section 403(i)(2), the article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

BEVERAGES AND BEVERAGE MATERIAL*

30601. Roasted coffee. (F.D.C. No. 51013. S. Nos. 7-801/2 B.)

QUANTITY: 34 cases, each containing 24 1-lb. cans of drip grind coffee; and 34 cases, each containing 24 1-lb. cans of regular grind coffee at Arkansas City, Kans., in possession of Ranney-Davis Mercantile Co. (Midwest Coffee Co.).

SHIPPED: Between 1-7-64 and 9-23-64, as bulk coffee beans, from New Orleans, La.

LABEL IN PART: (Can) "Santa Fe Brand Coffee Drip Grind [or "Regular Grind"] * * * Midwest Coffee Co. Arkansas City, Kans."

RESULTS OF INVESTIGATION: Examination showed that the articles were between approximately 1.38 percent and 2.19 percent short weight.

The articles had been roasted and packed by the dealer from coffee beans shipped in bulk as described above.

LIBELED: 2-9-65, Dist. Kans.

CHARGE: 403(e)(2)—while held for sale, the articles failed to bear a label containing an accurate statement of the quantity of the contents.

*See also No. 30641.