

DISPOSITION: 3-16-64. Consent—claimed by Fletcher-Wilson Foods, Inc., of Nashville, Tenn. Segregated; 40 bags destroyed.

29496. Mustard seed. (F.D.C. No. 49614, S. No. 60-153 A.)

QUANTITY: 158 100-lb. bags, at Los Angeles, Calif., in possession of Walker Products Co.

SHIPPED: 10-9-63 and 12-26-63, from Conrad, Mont., and Humboldt, Saskatchewan, Canada.

LIBELED: 2-5-64, S. Dist. Calif.

CHARGE: 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-28-64. Consent—claimed by Robert L. Walker, t/a Walker Products Co., Los Angeles, Calif., and reconditioned.

29497. Wine vinegar. (F.D.C. No. 48855. S. No. 71-123 V.)

QUANTITY: 754 cases, each containing 12 btls., at Detroit, Mich.

SHIPPED: 3-15-63, from Chicago, Ill., by Pacific Wine Co.

LABEL IN PART: (Btl.) "Regina Queen of Flavor Wine Vinegar All Purpose * * * 13.3237 Imp. Oz. Produced by Regina Grape Products Co. Etiwanda, Calif.," and (molded in the glass of the bottle) "12.8 Fl. Oz." and "4/5 U.S. Pint."

RESULTS OF INVESTIGATION: The quantity of contents was found to be 12.8 fl. oz. The quantity of contents statements molded in the dark green glass of the bottle were inconspicuous against the dark background of the product.

LIBELED: 5-1-63, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the label statement "13.3237 Imp. Oz." was misleading since it was not in terms of measure generally used by consumers to express the quantity of such food and implied or suggested that the quantity of contents was greater than it was; 403(f)—the information required to appear on the label under 403(e)(2), namely, an accurate statement of the quantity of the contents in terms of measure, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the average individual under customary conditions of purchase and use.

DISPOSITION: 2-10-64. Consent—claimed by Regina Grape Products Co., Etiwanda, Calif., without admitting or denying the allegations of misbranding in the libel, and ordered delivered to a Government institution.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

29498. Dietary supplement tablets. (F.D.C. No. 49598. S. No. 96-062 X.)

QUANTITY: 119 100-tablet btls., at San Antonio, Tex.

SHIPPED: 4-30-63, from Philadelphia, Pa.

RESULTS OF INVESTIGATION: Each tablet was labeled to contain 0.2 mgm. folic acid as a dietary supplement and the directions for use were 1 or 2 tablets after meals or as directed by physician.

LIBELED: 1-10-64, W. Dist. Tex.

*See also No. 29403.

CHARGE: 402(a) (2) (C)—while held for sale, the article contained a food additive, namely, folic acid, which was unsafe within the meaning of 409, since it and its use and intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 5-4-64. Default—destruction.

29499. Dietary supplement tablets. (F.D.C. No. 49846. S. No. 34-835 A.)

QUANTITY: 23 192-tablet boxes, each containing 16 12-tablet rolls, at Dayton, Ohio.

SHIPPED: 6-14-63 and 7-24-63, from Chicago, Ill.

LIBELED: 3-20-64, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 4-16-64. Default—destruction.

29500. Various canned infant formula foods. (F.D.C. No. 49559. S. No. 34-659 X.)

QUANTITY: 15 bushel baskets containing 1-lb. cans, at Minneapolis, Minn., in possession of C. G. Urness, t/a World Salvage.

SHIPPED: Prior to 12-4-63, by unknown shippers, from outside the State of Minnesota.

RESULTS OF INVESTIGATION: Investigation showed that various foods, drugs, and cosmetics were subject to fire damage on or about 12-6-61, and that they had been held in basement storage at a retail drug store in Minneapolis, prior to receipt by the dealer. The containers were either unlabeled or bore labels damaged by fire, smoke, or water, and the cans were rusted and contaminated with dirt and debris.

The drugs and cosmetics were also libeled, as is reported in notices of judgment on cosmetics, No. 252, and in notices of judgment on drugs and devices, No. 7750. The articles were held for sale by the dealer.

LIBELED: 12-9-63, Dist. Minn.

CHARGE: 403(e) (1)—while held for sale, the articles failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; 403(e) (2)—the articles failed to bear a label containing an accurate statement of the quantity of the contents; 403(f)—the information required under 403(e) (1), 403(e) (2), 403(i) (1), and 403(i) (2) 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) (1)—the labels of various of the articles failed to bear the common or usual name of the food; and 403(i) (2)—the labels of the articles failed to bear the common or usual name of each ingredient.

DISPOSITION: 12-24-63. Consent—destruction.