

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.

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2-8-64

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]

29501-29600

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; (2) criminal proceedings in which pleas of guilty and nolo contendere were entered, or judgments of guilty rendered, and which involved, a directed verdict of acquittal and a judgment of not guilty, in one case each, against one of a number of defendants. 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.

GEO. P. LARRICK, Commissioner of Food and Drugs.

WASHINGTON, D.C., November 24, 1964.

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Table with 2 columns: Page and Page. Lists categories like Beverages and beverage materials, Cereals and cereal products, Dairy products, Fish and shellfish, Fruits and vegetables, Canned fruit, Frozen fruit, Vegetables and vegetable products, Tomatoes and tomato products, Nuts, Spices, flavors, and seasoning materials, Vitamin, mineral, and other products of special dietary significance, and Miscellaneous foods.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 29501-29600**

*Adulteration*, 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) (4), a substance had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; 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 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(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(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling 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 ordinary individual under customary conditions of purchase and use; Section 403(g) (1), 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 it failed to conform to such definition and standard; Section 403(h), the article purported to be or was represented as (1) a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard or (2) a food for which a standard of fill of container had been prescribed by regulations and it fell below the applicable standard of fill of container; 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; 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; and Section 403(k), the article contained an artificial flavoring, and failed to bear labeling stating that fact.