

LABEL IN PART: (Box) "Tender Leaf Brand Orange Pekoe and Pekoe-Cut Black Tea 48 Tea Bags Net Weight 3 $\frac{3}{4}$ Ozs. Packed by Standard Brands Inc. New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-24-61, Dist. Mass.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 11-21-61. Default—ordered destroyed or delivered to a public or charitable institution.

28704. Drink mixes. (F.D.C. No. 47709. S. Nos. 75-438/9 T.)

QUANTITY: 30 cases, 12 1-pt. btls. each, of "Riva Screwdriver Mix," and 30 cases, 12 1-pt. btls. each, of "Riva Collins Mix," at Reno, Nev.

SHIPPED: Between 4-6-62 and 5-9-62, from San Francisco, Calif., by Riva Distributing Co.

LABEL IN PART: (Btl.) "Riva Screwdriver Mix Concentrated Ingredients: Concentrated Orange Juice, Sugar, Water, Citric Acid, Oil of Orange, $\frac{1}{10}$ of 1% Benzoate of Soda, Certified Food Color. * * * Riva Distributing Co., San Francisco, Calif." and "Riva Collins Mix Sweetened Ingredients: Lemon Juice, Oil of Lemon, Citric Acid, Water, Sugar, Vegetable Gum, Certified Food Color, $\frac{1}{10}$ of 1% Benzoate of Soda. * * * Riva Distributing Co., San Francisco, Calif."

RESULTS OF INVESTIGATION: Examination revealed that the quantity of contents statement and the statement of ingredients were inconspicuous due to being printed in gold-colored ink on a highly reflective, colored background.

LIBELED: 7-19-62, Dist. Nev.

CHARGE: 403(f)—when shipped, the information required by 403(e)(2), 403(i)(2), and 403(k), namely, the statement of quantity of contents, and the common or usual name of each ingredient and the declaration of artificial color and a chemical preservative, was not prominently placed on the labels with such conspicuousness (as compared with other words and statements on the labels) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; 403(k)—the articles contained artificial coloring and a chemical preservative and failed to bear a label stating that fact; and 403(i)(2)—the Collins Mix failed to bear the common or usual name of an ingredient, in that the name "Vegetable gum" was not the common or usual name of an ingredient.

DISPOSITION: On 9-27-62, Jane Riva and Charles Riva, t/a Riva Distributing Co., claimed the articles and denied that the articles were misbranded. Thereafter, the case was removed to the United States District Court for the Northern District of California. On 12-19-62, the claimant having withdrawn its claim and answer, a default decree was entered and the articles were destroyed.

28705. Whiskey. (F.D.C. No. 48271. S. No. 39-241 V.)

QUANTITY: 950 cases, containing 24 pt. btls. each, 518 cases containing 12 $\frac{1}{2}$ -qt. btls. each, and 25 cases, containing 12 qt. btls. each, at Jersey City, N.J.

SHIPPED: 10-4-62, from Freeport, Pa.

RESULTS OF INVESTIGATION: The articles were contained in a railroad boxcar which never reached its consignee due to the fact that the boxcar fell off a barge into the New York river basin where the articles were submerged for a period of approximately 21 hours before being removed.

LIBELED: 11-2-62, Dist. N.J.

CHARGE: 402(a)(4)—held under insanitary conditions in polluted river water.

DISPOSITION: 1-8-63. Consent—claimed by Schenley Distillers, Inc., and converted into neutral spirits.

CEREALS AND CEREAL PRODUCTS*

BAKERY PRODUCTS

28706. Cookies. (F.D.C. No. 47529. S. No. 17-795 T.)

QUANTITY: 11 cases, each containing 18 boxes of 30 pkgs. each, at Louisville, Ky.

SHIPPED: 5-16-62, from Chamblee, Ga., by Frito-Lay, Inc.

LABEL IN PART: (Pkg.) "Lay's Delight Creme Filled * * * Go-B-Tweens * * * Frito-Lay, Inc., National Headquarters, Dallas, Texas.

RESULTS OF INVESTIGATION: Examination showed the article to be sandwich-type cookies consisting of 2 dark-colored cookies with creme filling.

The name and address of the manufacturer, and quantity of contents and ingredient statement were printed in a relatively small type in dark blue-colored ink on a side panel of the clear cellophane wraparound label and were inconspicuous against dark cookies in the background and overlapping of the wrapper.

LIBELED: 6-6-62, W. Dist. Ky.

CHARGE: 403(f)—when shipped, the information required to appear on the labeling under 403(e)(1) and (2), 403(i)(2), and 403(k), namely, name and address of the manufacturer and an accurate statement of the quantity of contents, the common or usual name of each ingredient and the declaration of artificial flavor and color were not prominently placed on the label 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.

DISPOSITION: 8-27-62. Default—delivered to a charitable institution.

CORNMEAL

28707. Cornmeal. (F.D.C. No. 47413. S. No. 7-428 T.)

QUANTITY: 300 100-lb. bags at Fall River, Mass., in possession of Frito-Lay, Inc.

SHIPPED: 12-17-61, from Paris, Ill.

LIBELED: 3-22-62, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-30-62. Default—ordered destroyed or donated to a public or charitable institution for use as animal feed.

*See also No. 28784.