

LABEL IN PART: (Btl. and ctn.) "Eastrone, a solution of diethylstilbestrol to be used only in drinking water for chickens. Each cc contains 50 mg. diethylstilbestrol solubilized and stabilized * * * Manufactured only by Eastern Laboratories, Inc., 1229-31 Washington Ave., Vineland, New Jersey. For veterinary use only. Caution use only according to enclosed directions."

ACCOMPANYING LABELING: Carton inserts entitled "Directions for Using Eastrone."

LIBELED: 9-21-62, Dist. Minn.

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

DISPOSITION: 11-6-62. Default—destruction.

28798. Eastrone solution for poultry. (F.D.C. No. 48235. S. Nos. 67-586/8 T.)

QUANTITY: 40 300-cc. btls. at Middlebury, Goshen, and Montpelier, Ind.

SHIPPED: Prior to 6-12-62, and between 7-9-62 and 8-17-62, from Vineland, N.J., by Eastern Laboratories, Inc.

LABEL IN PART: (Btl.) "Eastrone A Solution of Diethylstilbestrol To be used in drinking water for chickens Each cc contains 50 mg. Diethylstilbestrol * * * 300 cc. 1,000 doses * * * Manufactured Only by Eastern Laboratories, Inc., * * * Vineland, New Jersey. For Veterinary Use Only."

ACCOMPANYING LABELING: Leaflet entitled "Directions for Use . . . Eastrone."

LIBELED: 10-12-62, N. Dist. Ind.

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

DISPOSITION: 1-8-63. Default—destruction.

MISCELLANEOUS FOODS

28799. Flour enrichment mix. (F.D.C. No. 48061. S. No. 5-654 T.)

QUANTITY: 1 150-lb. drum and 2 200-lb. drums, at Baltimore, Md.

SHIPPED: 5-28-62, from Woodside, N.Y.

RESULTS OF INVESTIGATION: The article contained approximately 23 percent of the declared amount of vitamin D.

LIBELED: 8-22-62, Dist. Md.

CHARGE: 402(b)(1)—the valuable constituent, namely, vitamin D, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Vitamin D 407,000 USP Units" was false and misleading.

DISPOSITION: 10-11-62. Default—destruction.

28800. Spaghetti dinner and salad mix. (F.D.C. No. 45880. S. Nos. 49-422/3 R, 49-930 R.)

QUANTITY: 236 cases, each containing 24 8-oz. pkgs. of spaghetti dinner, and 47 cases, each containing 24 pkgs. of salad mix, at Denver, Colo.

SHIPPED: Between 2-21-61 and 3-4-61, from Wichita, Kans., by American Beauty Macaroni Co.

LABEL IN PART: (Pkg.) "Italian Style Vitamin-Enriched Long Spaghetti Spaghetti Dinner * * * This package contains Long Spaghetti and a Packet of Spaghetti Sauce Seasoning You Will Need Tomato Paste * * * The American Beauty Macaroni Company" and "Salad Mix with Shel-Roni This Package contains Dainty Shell-Shaped Macaroni and Salad Seasoning Mix To Prepare A Tasty Salad (Just add Mayonnaise and garnish to taste) * * * Fixin's for a cold macaroni salad Vitamin-Enriched Shel-Roni * * * Manufactured By The American Beauty Macaroni Co."

LIBELED: 5-12-61, Dist. Colo.

CHARGE: 403(g) (2)—when shipped, the labels of the articles failed to bear the name of the food as specified in the definition and standard of identity, namely, "Enriched Spaghetti (Long)" and "Enriched Macaroni Product (Shells);" and 403(j)—the articles purported to be and were represented as foods for special dietary use by reason of their vitamin and mineral content and their labels failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamin B₁, riboflavin, niacin or niacinamide, and iron supplied by such food when consumed in a specified quantity during a period of one day.

Spaghetti dinner: 403(a)—the name of the article "Italian Style Spaghetti Dinner" and the vignette showing elbow-shaped spaghetti and a sauce sprinkled with grated cheese, were misleading since the articles did not contain the ingredients needed to prepare a spaghetti dinner; and

Salad mix: 403(a)—the name of the article "Salad Mix With Shel-Roni," the vignette showing shell-shaped macaroni, lettuce, portions of fresh tomatoes, slices of green olives with pimento, pieces of green pepper, and chunks of tuna, and the statement "Fixin's for a cold macaroni salad," were misleading since the article did not contain the ingredients needed for a salad as depicted in the vignette.

DISPOSITION: The articles were claimed by American Beauty Macaroni Co., Kansas City, Kans. Written interrogatories were served on the claimant by the Government on 2-2-62. On 2-8-62, a decree was entered with the claimant's consent which condemned the articles by reason of the misbranding under 403(j). The claimant denied the articles were misbranded under 403(a) and 403(g) (2) and these issues were not adjudicated. The articles were destroyed.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 28701 TO 28800

PRODUCTS

	N.J. No.		N.J. No.
Bakery products	28706	Breading	28732
Batter mix	28732	Butter beans, canned	28759
Beans, black-eyed, dried	28760	Cabbage, fresh	28758
butter, canned	28759	Candy. <i>See</i> Confectionery.	
coffee, green	28701	Cayenne pepper	28787
Great Northern, dried	28761	Cereals and cereal products	28706- 28732, 28792
Beverages and beverage materials	28701-28705	Cheese, grated	28741
Black-eyed beans, dried	28760	Chickens. <i>See</i> Meat products and poultry.	
Brazil nuts, unshelled	28778	Coffee beans, green	28701
		instant	¹ 28702
¹ (28702, 28704, 28743, 28796, 28800)			
Seizure contested.			