

LABEL IN PART: (Can) "GOLD-N-SWEET SAFFLOWER SHORTENING HIGHEST IN POLY-UNSATURATES THE MAJOR PORTION IN LIQUID SAFFLOWER OIL * * * MFG. BY VEGETABLE OIL PRODUCTS COMPANY, INC., WILMINGTON, CALIF."

ACCOMPANYING LABELING: Four looseleaf portfolios containing pieces of promotional material relating to the article and references to the book "Calories Don't Count" by Herman Taller, M.D., and other books; and a booklet entitled "Pocket Guide to Poly-Unsaturates."

LIBELED: 8-23-62, Dist. Utah.

CHARGE: 403(a)—when shipped, the name "Safflower Shortening" and statements in the label of the article which represented the article to be a shortening made entirely from safflower oil were false and misleading as applied to an article consisting of safflower oil and hydrogenated cottonseed oil; and, in addition, the can label and accompanying labeling contained false and misleading representations that the article was adequate and effective to prevent atherosclerosis, heart attacks and strokes, to control blood cholesterol, reduce body weight, stay fit and active, and improve health and vitality; and 403(i) (2)—the label failed to bear the common or usual name of each ingredient, since "all vegetable shortening" is not the common or usual name of the ingredients safflower oil and hydrogenated cottonseed oil.

DISPOSITION: 3-4-63. Default—article delivered to a State institution, and accompanying labeling destroyed.

POULTRY

29076. Poultry. (Inj. No. 338.)

COMPLAINT FOR INJUNCTION FILED: 6-11-58, Dist. Del., against Eagle Poultry Co., Inc., and Eagle Poultry Packers, Inc., Frankford, Del., and Harry Landes, president of the corporation.

CHARGE: The complaint alleged that the defendants were buying, slaughtering, preparing, packing, dressing, freezing, selling and distributing poultry consisting of New York dressed, eviscerated, and cut-up turkeys and chickens, and causing to be introduced into interstate commerce, frozen poultry which was adulterated as follows: 402(a) (3)—the frozen poultry consisted in part of a filthy substance by reason of the presence therein and thereon of slimy and tacky skin, stale, rancid odor on skin and in body cavities, putrid hip joints, sour joints, missing portions of "whole" birds, bruised and mutilated New York dressed birds, fecal matter oozing from vents or from torn viscera in body cavities, feathers, dirt, and extraneous matter smeared on flesh, and stale or rancid livers, necks, hearts and gizzards.

The complaint alleged further that the defendants had on hand 108 uncoded cases of frozen poultry, and that such poultry, which in the usual and ordinary course of business would be shipped in interstate commerce, constituted a menace to interstate commerce in that it consisted in part of a filthy substance as described above.

DISPOSITION: On 6-12-58, a temporary restraining order was entered against the defendants enjoining the defendants from causing the introduction into interstate commerce of (a) frozen poultry which was adulterated as alleged in the complaint; and (b) any of the 108 uncoded cases of frozen poultry described in the complaint unless and until all of such poultry was destroyed,

denatured for use as animal food, or cleaned and otherwise reconditioned so as to be in compliance with the law.

An order to show cause why a preliminary injunction should not issue was also entered against the defendants on 6-12-58, with a hearing set for 6-20-58. Thereafter, by stipulation of the parties, the temporary restraining order was extended to 7-3-58, and the hearing set for that date upon the prayer for preliminary injunction and prayer for permanent injunction. It was also stipulated that the 108 uncoded cases of poultry be examined by the Food and Drug Administration and the unfit portion destroyed. On 7-1-58, such poultry was segregated, resulting in the destruction of 60 full cases and parts of 5 cases.

The hearing on the injunction began on 7-3-58, but was not completed. Instead an agreement was reached by the parties to enter into a stipulation that the hearing be continued to 1-15-59, unless application should be made by either party for resumption of trial prior to that date and if no application be made on or before 1-15-59, a stipulation of dismissal be entered; and that the temporary restraining order should be continued in effect against Eagle Poultry Co., Inc., and Eagle Poultry Packers, Inc., until the further order of the court or until the stipulation of dismissal was entered into. On 1-29-59, pursuant to the stipulation of the parties, an order of dismissal was entered by the court.

29077. Canned chicken. (F.D.C. No. 49284. S. No. 27-933 X.)

QUANTITY: 21 cases, each containing 12 3-lb. 4-oz. cans, at Davenport, Iowa.

SHIPPED: 2-21-63, from Quincy, Ill.

LIBELED: 8-26-63, S. Dist. Iowa.

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

DISPOSITION: 9-4-63. Consent—destruction.

29078. Canned chicken. (F.D.C. No. 49305. S. No. 26-669 X.)

QUANTITY: 480 3-lb. 4-oz. cans, at Toledo, Ohio.

SHIPPED: 3-18-63, from Quincy, Ill.

LIBELED: 9-11-63, N. Dist. Ohio.

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

DISPOSITION: 10-10-63. Default—destruction.

29079. Frozen chicken. (F.D.C. No. 49312. S. No. 46-421 X.)

QUANTITY: 312 boxes, containing a total of 13,165 lbs., at Springfield, Ill.

SHIPPED: On an unknown date, from Nacogdoches, Tex., by HLH Products Co.

LABEL IN PART: (Box) "HLH Fowl without Giblets * * * Packed by HLH Products General Office Dallas, Texas."

LIBELED: 9-11-63, S. Dist. Ill.

CHARGE: 402(a) (3)—contained decomposed chickens when shipped.

DISPOSITION: 10-3-63. Default—destruction.

29080. Canned chicken breasts and canned turkey breasts. (F.D.C. No. 48671. S. Nos. 9-159/66, 10-841/2 T.)

QUANTITY: 2,597 1-lb. 8-oz. cans of chicken, and 2,636 1-lb. 8-oz. cans of turkey, at Murrysville, Pa.

SHIPPED: 9-4-62 and 9-17-62, from Chicago, Ill.