

tions 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 artificial coloring, or a chemical preservative, and it failed to bear labeling stating that fact.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

28301. White bread. (F.D.C. No. 46724. S. Nos. 17-691 R, 49-697 R.)

INFORMATION FILED: 4-19-62, Dist. Colo., against Joe's Bakery, a partnership, and Allen W. Brown and Woodrow W. Ward, partners, Trinidad, Colo.

SHIPPED: 10-7-60 and 5-17-61, from Colorado to New Mexico.

LABEL IN PART: (Loaf label) "Joe's [or "Joe's Sliced"] Net Weight 18 oz. [or "16 Oz."] Joe's Bakery, Trinidad, Colorado."

CHARGE: 402(a) (3) contained insect fragments, mites, and hair; and 402(a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-1-62. Partnership—\$100 fine; each individual—probation for 2 years.

28302. Fruit bars. (F.D.C. No. 45358. S. Nos. 19-636/7 R.)

QUANTITY: 101 ctns., each containing 12 1-lb. pkgs. of Venus Apricot Bars and 70 ctns., each containing 12 1-lb. pkgs. of Venus Strawberry Bars, at Dearborn, Mich.

SHIPPED: 9-30-60 and 11-21-60, from Los Angeles, Calif., by Venus Foods.

LABEL IN PART: (Pkg.) "Venus Apricot Bars * * * Ingredients: Fruit Solids * * * Apricots * * * Vitamin C Added. * * * Venus Foods—Los Angeles 58, Calif. * * *" and "Venus Strawberry Bars * * * Ingredients: Fruit Solids * * * Strawberries * * * Vitamin C Added. * * * Venus Foods—Los Angeles 58, Calif."

LIBELED: 1-23-61, E. Dist. Mich.

CHARGE: 402(b) (1)—when shipped, the valuable constituents (Apricot Bars) apricots and (Strawberry Bars) strawberries, had been in whole or in part omitted or abstracted therefrom; 402(b) (4)—figs and dates had been mixed or packed with the articles so as to increase their bulk or weight and make them appear of greater value than they were; and 403(a)—the label statements "Apricot Bars" and "Strawberry Bars" and the label vignettes depicting whole fresh fruit, apricots and strawberries, were false and misleading as applied to an article (Apricot Bars) containing no apricots, and an article (Strawberry Bars) containing a mixture of figs and dates and some strawberries; and 403(j)—the articles were represented for special dietary use by reason of their vitamin C content, and their labels failed to

bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamin C supplied by the articles when consumed in a specified quantity during a period of 1 day.

DISPOSITION: 7-11-61. Default—destruction.

28303. Frozen buns and rolls. (F.D.C. No. 46723. S. Nos. 5-537 R, 5-549 R, 75-040 R, 76-196 R.)

INFORMATION FILED: 5-31-62, N. Dist. Ga., against Peter Pan Baking Co., Inc., Atlanta, Ga., and Ernest Earl McClure (plant superintendent).

SHIPPED: Between 7-11-61 and 7-29-61, from Atlanta, Ga., to Crozet, Va., and Charlotte, N.C.

LABEL IN PART: (Pkg.) "4 Buns, Morton Frozen Honey Buns, Net. Wt. 11 oz. Morton Frozen Foods Division Continental Baking Company General Offices: Rye, N.Y. U.S.A. Distributor"; Brown'N Serve Enriched Rolls, Net Weight 10½ Ounces Colonial Stores Incorporated General Office, Atlanta, Georgia."

CHARGE: 402(a)(3)—contained insect parts and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 7-25-62. Corporation—\$200 fine; McClure—\$20 fine.

28304. Rolls and cinnamon rolls. (F.D.C. No. 46709. S. Nos. 72-203 R, 72-205/6 R.)

INFORMATION FILED: 3-29-62, W. Dist. Ark., against Meyer's Bakery of Hope, Inc., Hope, Ark.

SHIPPED: 8-2-61, from Arkansas to Mississippi and Oklahoma.

LABEL IN PART: (Pkg.) "Peter Pan Brown'N Serve Enriched Rolls," "Patty Baker Cinnamon Rolls," "Golden Krust Enriched Brown-N Serve Rolls."

CHARGE: 402(a)(3)—the Peter Pan rolls contained larvae and insect fragments, the cinnamon rolls contained insect fragments and rodent hairs, the Golden Krust rolls contained insect fragments; and 402(a)(4)—the articles were prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 8-15-62. \$300 fine.

FLOUR

28305. Flour. (F.D.C. No. 46380. S. No. 68-111 R.)

INFORMATION FILED: 11-17-61, N. Dist. Okla., against Warehouse Market, Inc., Tulsa, Okla.

ALLEGED VIOLATION: Between 3-10-61 and 4-10-61, while a number of bags of flour were being held for sale after shipment in interstate commerce, the defendant caused the flour to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the flour being adulterated.

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

PLEA: Guilty.

DISPOSITION: 6-25-62. \$1,000 fine.