

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 25751-25850**

Adulteration, Section 402(a)(2), 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)(3), the article consisted in part of a filthy 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 may have become contaminated with filth; 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 wholly 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 increase its bulk or weight or reduce its quality, or make it appear better or of greater value than it was; Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance had been prescribed by the Secretary of Health, Education, and Welfare.

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 contents in terms of weight, measure, or numerical count; Section 403(g), the article purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation, and (1) it failed to conform to such definition and standard, and (2) its label failed to bear the name of the food specified in the definition and standard; Section 403(i)(2), the article was not subject to the provisions of Section 403(g) and it 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 determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; Section 403(k), the article contained artificial flavoring or artificial coloring, and its label failed to state that fact.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

25751. Cookies. (F.D.C. No. 43351. S. No. 52-935 P.)

QUANTITY: 11 cases, 12 13-oz. pkgs. each, at Phoenix, Ariz.

SHIPPED: 7-27-59, from Oakland, Calif., by Mother's Cake and Cookie Co.

LABEL IN PART: (Pkg.) "Mother's Chocolate Fudge Sandwich 49¢ * * *
These Delicious Cookies Contain Flour, Sugar, 100% VEGETABLE SHORT-
ENING, Cocoa, Sugar Syrup, Nonfat Milk Solids, Artificial Flavors, Salt,
Leavening, U.S. Certified Color. * * * Baked By Mother's Cake and Cookie
Co., Oakland, Los Angeles, Calif."

LIBELED: 8-18-59, Dist. Ariz.

CHARGE: 402(b) (1)—when shipped a valuable constituent, chocolate, had been in whole or in part omitted from the article; 402(b) (2)—cocoa had been in whole or in part substituted for chocolate; and 403(a)—the label statement "Chocolate Fudge Sandwich" was false and misleading as applied to a product which contained no chocolate.

DISPOSITION: 10-14-59. Default—destruction.

25752. Crackers. (F.D.C. No. 42194. S. No. 29-624 P.)

QUANTITY: 126 1-lb. boxes at Dallas, Tex.

SHIPPED: 7-22-58, from Milton, Mass., by G. H. Bent Co.

LABEL IN PART: (Box) "Cold Water Crackers * * * contains no salt or shortening of any kind * * * no salt added No shortening No sugar."

LIBELED: 10-8-58, N. Dist. Tex.

CHARGE: 402(a) (3)—contained insects; 402(a) (4)—prepared under insanitary conditions; and 403(j)—the article purported to be and was represented as a food for special dietary use (1) by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, or calories, for the purpose of controlling body weight, or for the purpose of dietary management with respect to disease, and its label failed to bear, as required by regulations, a statement of the percentage by weight of protein, fat, and available carbohydrates in the article, and the number of available calories supplied by a specified quantity of the article and (2) by reason of its use as a means of regulating the intake of sodium, and its label failed to bear, as required by regulations, a statement of the number of milligrams of sodium in an average serving of the article.

DISPOSITION: 11-7-58. Default—delivered to a Federal institution for consumption by animals.

CORNMEAL*

25753. Cornmeal. (F.D.C. No. 43377. S. No. 6-144 P.)

QUANTITY: 117 cases, 12 2-lb. bags each, at Salisbury, Md.

SHIPPED: 8-6-59, from Como, N.C.

LIBELED: 8-28-59, Dist. Md.

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

DISPOSITION: 9-25-59. Default—destruction.

25754. Cornmeal and flour. (F.D.C. No. 42627. S. Nos. 38-632/3 P.)

QUANTITY: 128 25-lb. bags of cornmeal and 105 25-lb. bags of flour at Malvern, Ark., in possession of Clem Wholesale Grocer Co.

SHIPPED: Between 4-14-58 and 9-26-58, from Memphis, Tenn., and Wichita Falls, Tex.

LIBELED: 12-4-58, W. Dist. Ark.

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

DISPOSITION: 1-22-59. Default—delivered to a public institution, for use as animal feed.

*See also No. 25755.