SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS REPORTED IN F.N.J. NOS. 26801–26850

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 in whole or in part for the article; Section 402(b)(4), a substance had been added to the article, and mixed and packed therewith, so as to increase its bulk or weight and reduce its quality; 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)(2), the article was in package form and it failed to bear a label containing an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(g)(2), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear the common name of the optional ingredient present in the food as 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 name of each such ingredient.

BEVERAGES AND BEVERAGE MATERIALS*

26801. Green coffee. (F.D.C. No. 44494. S. No. 30–483 R.)

QUANTITY: 735 128-lb. bags at New Orleans, La.

SHIPPED: 4–17–60, from Mobile, Ala.

LIBELED: 6–10–60, E. Dist. La.

CHARGE: 402(a)(3)—contained insect-infested coffee beans while held for sale.

DISPOSITION: 9–27–60. Consent—claimed by Gillespie & Co. of New York, Inc., and exported to original supplier in Dutch Guinea.

26802. Green coffee and mustard seed. (F.D.C. No. 44771. S. Nos. 23–64 1/2 R.)

QUANTITY: 12 160-lb. bags of coffee beans and 6 100-lb. bags of mustard seed, at McAlester, Okla., in possession of Hale-Halsell Co.

SHIPPED: (Coffee) 3–17–60, from New Orleans, La., and (mustard seed) 6–22–60, from Dallas, Tex.

LIBELED: 8–11–60, E. Dist. Okla.

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

DISPOSITION: 9–7–60. Default—destruction.

26803. "Nippy" fruit drink. (F.D.C. No. 43403. S. Nos. 45–749/50 P.)

QUANTITY: 18 cases, each containing 12 10-oz. btls. of orange flavor, and 64 cases, each containing 12 10-oz. btls. of lemon flavor, at Amarillo, Tex.

*See also No. 26840.