

LIBELED: 7-16-57, E. Dist. Mo.

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

DISPOSITION: 8-13-57. Default—destruction.

24250. Frozen red chili puree. (F. D. C. No. 40018. S. Nos. 58-850 M, 58-857 M.)

INFORMATION FILED: 7-3-57, Dist. N. M., against Milton E. Baca, t/a Baca's Mexican Kitchen, Albuquerque, N. M., and Alfred Duran, manager.

SHIPPED: 9-25-56 and 11-7-56, from New Mexico to Texas.

LABEL IN PART: (Pkg.) "Net Weight 14 Oz. Baca's Mexican Kitchen Caribe Brand Frozen Uncooked Red Chili Prepared, Packed and Guaranteed by Baca's Mexican Kitchen Albuquerque, New Mexico."

CHARGE: 402 (a) (3)—contained insect fragments when shipped.

PLEA: Nolo contendere.

DISPOSITION: 7-10-57. \$300 fine against each defendant.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 24201 TO 24250

PRODUCTS

	N. J. No.		N. J. No.
Almonds	24203	Haddock fillets, frozen	24229
Bananas, crushed, canned	24233	Lemon juice	24235
Beans, black-eyed, dried	24238	Lobster meat, frozen	24231
dried	24237	Macaroni and noodle products ¹	24211,
Black-eyed beans, dried	24238		24212
Butter	24224, 24225	Mushrooms, canned	24240, 24241
Candy. <i>See</i> Confectionery.		Mustard seed cake	24248
Cereals and cereal products	24201-24221	Noodles. <i>See</i> Macaroni and noodle products.	
Chili puree, red, frozen	24250	Oils and fats	24242-24245
Confectionery	24222, 24223	Oleomargarine, colored	24246, 24247
Corn sirup solids	24209	Olive oil	24242, 24243
Cottonseed oil, hydrogenated	24244	Oysters, frozen	24232
Crabmeat, canned	24230	Peaches, canned	24234
Cream	24226	Peanuts, shelled	24203
Dairy products	24224-24226	Peas, dried	24239
Fish and shellfish	24227-23232	Perch fillets	24227
Flour	24201-24210, 24212	Poppyseeds	24249
Fruits and vegetables	24208,	Sauerkraut	24208
	24233-24241	Shellfish. <i>See</i> Fish and shellfish.	
fruit, canned	24233, 24234	Spices, flavors, and seasoning materials	24248-24250
miscellaneous fruit products	24235, 24236	Vegetables. <i>See</i> Fruits and vegetables.	
vegetables and vegetable products	24208, 24237-24241	Wheat	24213-24221
Grapejuice concentrate	24236	Whitefish, fresh	24228

¹ (24211) Prosecution contested. Contains findings of fact and conclusions of law.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24251-24350

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere, verdicts of guilty or not guilty, or dismissal upon a motion of acquittal after a verdict of guilty; and (3) injunction proceedings terminated with the entry of an injunction. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 10, 1958.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 24251-24350**

Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance which may have rendered it injurious to health; Section 402 (a) (2), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406, and, in six other cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of 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) (3), the inferiority of the article had been concealed; 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; Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations; Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity 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; Section 403 (f), certain information required by the Act to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403 (h) (2), the article purported to be and was represented as a food for which a standard of fill of container had been prescribed by regulations, and it fell below the standard of fill of container applicable to it; Section 403 (i) (1), the article was not subject to the provisions of Section 403 (g) and its label failed to bear the common or usual name of the food; Section 403 (i) (2), the article was not subject to the provisions of Section 403 (g) and 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 as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403 (k), the article contained a preservative, and it failed to bear labeling stating that fact.