

grams of vitamin B<sub>2</sub>, 8.6 milligrams of vitamin C, and 4.27 milligrams of niacinamide per bar.

**LABEL, IN PART:** (Bar) "Sweet Chocolate Candy Vita Sert Contains Sweet Chocolate and Vitamins A-4000 I. U. B<sub>1</sub>-1 Mg. B<sub>2</sub>-2 Mg. C-30-Mg. D-400 I. U. \* \* \* 10 Mg. Niacin Amide Net Wt. 1 $\frac{3}{8}$  Oz." and "Sweet Milk Chocolate Vita Sert With Almonds Contains Sweet Milk Chocolate, Almonds Vitamins A-4000 I. U. B<sub>1</sub>-1 Mg. B<sub>2</sub>-2 Mg. C-30 Mg. D-400 I. U. \* \* \* 10 Mg. Niacin Amide Net Wt. 1 $\frac{3}{8}$  Oz."

**NATURE OF CHARGE:** Adulteration (all lots), Section 402 (b) (1), valuable constituents, vitamins A, B<sub>1</sub>, B<sub>2</sub>, and C, and niacinamide, had been in part omitted or abstracted from the products.

Misbranding (all lots), Section 403 (a), the label statements "A-4000 I. U. B<sub>1</sub>-1 Mg. B<sub>2</sub>-2 Mg. C-30 Mg. D-400 I. U. \* \* \* 10 Mg. Niacin Amide" were false and misleading as applied to products which contained less than the stated amounts of vitamins A, B<sub>1</sub>, B<sub>2</sub>, C, and niacinamide.

Further misbranding (sweet chocolate candy), Section 403 (g) (1), the product purported to be and was represented as sweet chocolate candy, a food for which a definition and standard of identity has been prescribed by regulations, and the product failed to conform to such definition and standard since it contained added vitamins, which are not permitted as optional ingredients of sweet chocolate in such definition and standard.

**DISPOSITION:** December 16, 1952. Default decrees of condemnation and destruction.

### MISCELLANEOUS FOODS

**19399. Misbranding of potato preservative. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 33113. Sample No. 29585-L.)**

**LIBEL FILED:** May 8, 1952, Western District of Washington.

**ALLEGED SHIPMENT:** On or about November 8, 1951, by the G. B. Bashaw Co., from Portland, Oreg.

**PRODUCT:** 8 cases, each containing 4 1-gallon jugs, of potato preservative at Everett, Wash.

**LABEL, IN PART:** "Magic Potato Preservative."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** July 29, 1952. Default decree of condemnation and destruction.

**19400. Misbranding of Noe-Ice sportsman kits. U. S. v. 2,597 Kits \* \* \*. (F. D. C. No. 32583. Sample No. 34429-L.)**

**LIBEL FILED:** March 10, 1952, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about July 20 and August 1, 1951, by the Noe-Ice Sales Corp., from Los Angeles, Calif.

**PRODUCT:** 2,597 Noe-Ice sportsman kits, each containing 25 tablets, at St. Louis, Mo. Each kit contained also a spray bottle and a circular headed "Keeps Fish, Fowl, Game Fresh Without Ice."

**LABEL, IN PART:** (Kit) "Sportsman Kit Noe-Ice Miracle Stay Fresh Spray Directions Each tablet contains the following active ingredients: Sodium Benzoate 12.5 milligrams chloramine T 25 milligrams in a base of Sodium

Chloride 1 tablet added to the enclosed spray bottle filled with water (125 cc) provides a solution containing Sodium Benzoate 0.02% Chloramine T 0.01% This kit contains 25 tablets in cellophane strip package and spray bottle."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements on the kit label and in the accompanying circular were false and misleading since they represented and suggested that the article would be effective to keep fish, fowl, and game fresh without ice, whereas the article would not be effective for those purposes.

Further misbranding, Section 403 (a), the label statements "Sodium Benzoate 12.5 milligrams chloramine T 25 milligrams \* \* \* 1 tablet added to the enclosed spray bottle filled with water (125 cc) provides a solution containing Sodium Benzoate 0.02% Chloramine T 0.01%" were false and misleading since the article contained approximately 19.4 milligrams of sodium benzoate and 13.2 milligrams of chloramine-T per tablet.

**DISPOSITION:** September 12, 1952. The court, having ordered the claim of the sole intervener stricken from the files, condemned the product and ordered it destroyed.

### INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 19351 TO 19400

#### PRODUCTS

	N. J. No.		N. J. No.
Apples, dried.....	<sup>1</sup> 19380	Herring roe, canned.....	<sup>2</sup> 19370
Black-eyed peas, dried.....	19382	Kipper snacks, canned.....	19373
Blowfish tails, frozen.....	19371	Marjoram.....	19394
Blueberries, fresh.....	19381	Noe-Ice sportsman kits.....	19400
Butter.....	19364-19366	Pastry flour.....	19351
Calcium with phosphorus tablets.....	19397	Peas, black-eyed, dried.....	19382
Candy, Vita Sert.....	19398	Pepper hulls, red.....	19395
Cereals and cereal products.....	19351-19363	Pies, turkey, frozen.....	19393
Chickens. <i>See</i> Poultry.		Potato preservative.....	19399
Cod fillets, frozen.....	19372	Poultry.....	19390-19392
Crabmeat.....	19377-19379	Prawns, spiced.....	19374
Dairy products.....	19364-19366	Preservative, potato.....	19399
Eggs, frozen.....	19367-19369	Rice.....	19352, 19354
Enriched flour.....	19353	Roe, herring, canned.....	<sup>2</sup> 19370
Fish and shellfish.....	<sup>2</sup> 19370-19379	Shellfish. <i>See</i> Fish and shellfish.	
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Spices, flavors, and seasoning materials.....	19394, 19395
Flour.....	19351-19353	Sportsman kits, Noe-Ice.....	19400
Fruits and vegetables.....	<sup>1</sup> 19380-19389	Tomato(es), canned.....	19383-19385
fruit, dried.....	<sup>1</sup> 19380	juice.....	19386, 19387
fresh.....	19381	paste.....	19388
tomatoes and tomato products.....	19383-19389	puree.....	19389
vegetables.....	19382	Tuna, canned.....	19375
		Turkey pies, frozen.....	19393
		Turkeys. <i>See</i> Poultry.	

<sup>1</sup> (19380) Prosecution contested. Contains opinions of the courts.

<sup>2</sup> (19370) Seizure contested. Contains opinion of the court.

**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]

19401-19450

**FOODS**

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 17, 1953.

**CONTENTS**

	Page		Page
Beverages and beverage materials	198	Fruits and vegetables—Continued	
Cereals and cereal products	200	Vegetables and vegetable products	208
Flour	200	Tomatoes and tomato products	209
Macaroni and noodle products	201	Nuts and nut products	211
Miscellaneous cereals	202	Poultry	212
Fish and shellfish	205	Spices, flavors, and seasoning ma-	
Fruits and vegetables	207	terials	214
Canned fruit	207	Index	215