

DISPOSITION: 6-15-56. Default—destruction.

23298. Crunchies. (F. D. C. No. 38499. S. Nos. 11-638/9 M.)

QUANTITY: 4 drums, each containing 25,000 Crunchies, and 3 drums, each containing 20,000 Crunchies, at Birmingham, Ala.

SHIPPED: 4-9-54, from St. Louis, Mo.

RESULTS OF INVESTIGATION: Analysis showed that the article contained about 50 percent of the declared amount of vitamin D.

LIBELED: 10-12-55, N. Dist. Ala.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article while held for sale.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4950.

DISPOSITION: 11-15-55. Default—destruction.

23299. Rybutol gelucaps, Good Diet vitamin capsules, and Good Diet vitamin mineral capsules. (F. D. C. No. 38230. S. Nos. 2-660 M, 19-981/2 M, 19-985 M, 19-988 M.)

QUANTITY: 54 100-gelucap btl., 14 50-gelucap btl., and 36 25-gelucap btl. of Rybutol gelucaps; 55 100-capsule btl. of Good Diet vitamin B complex with liver, folic acid, inositol, choline, and vitamin B₁₂ capsules; and 52 100-capsule pkgs. and 6 200-capsule pkgs. of Good Diet vitamin mineral capsules, in interstate commerce, at Washington, D. C.

RESULTS OF INVESTIGATION: Analysis showed that all lots contained less than the declared amounts of vitamin B₁.

LIBELED: 7-8-55, Dist. Columbia.

CHARGE: All lots. 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the articles while in interstate commerce.

54-, 14-, and 36-btl. lots. 403 (a)—the label statement "Each Gelucap Contains: Vitamin B₁ (Thiamin Chloride) . . . 15 mg." was false and misleading.

55-btl. lot. 403 (a)—the label statement "Each capsule contains: Vitamin B₁ (Thiamin Chloride) . . . 3 mg." was false and misleading.

52- and 6-pkg. lots. 403 (a)—the label statement "Each Orange Capsule Contains: Vitamin B₁ (Thiamin Chloride) 1000 U. S. P. Units (3 mg.)" was false and misleading.

The libel alleged also that one other article, namely, Super Potency liver, iron, B complex with folic acid capsules, was adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4901.

DISPOSITION: 8-10-55. Default—destruction.

23300. Dicalcium phosphate with vitamin D tablets. (F. D. C. No. 38920. S. No. 32-157 M.)

QUANTITY: 8 30,000-tablet drums at Philadelphia, Pa.

SHIPPED: 10-19-55, from Cleveland, Ohio.

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 50 percent of the declared amount of vitamin D.

LIBELED: 1-19-56, E. Dist. Pa.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article while held for sale; and 403 (a)—the label statement "Content per tablet: * * * Vitamin D: 333 USP units" was false and misleading.

DISPOSITION: 2-15-56. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 23251 TO 23300

PRODUCTS

	N. J. No.		N. J. No.
Beans, black-eyed. <i>See</i> Peas,		Hydrolyzol tablets	23296
black-eyed, dried.		Mackerel, Spanish, frozen	23266
dried	23278	Multi-Vitamin VCA gelucaps	23296
Beverages and beverage mate-		Nuts	23285-23287, 23294
rials	23251-23256, 23282-23284	Oysters	23273
Bevrans gelucaps	23296	canned	23274
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Blueberries, fresh	23277	Peas, black-eyed, dried	23279, 23280
Caraway seed	23294	Pecans, shelled	23286
Cashew nuts	23285	Peppers, chili	23293
Celery seed	23294	Pike, Northern, frozen	23267
Cereals and cereal products	23257-23264	Popcorn, unpopped	23260-23262
Chickens. <i>See</i> Poultry.		Poultry	23288-23292
Chili peppers	23293	Prunes	23294
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Coconut, shredded	23294	sules	23296
Coffee beans	23253-23255	Quintrons capsules	23296
chaff	23256	Raisins	23276
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Crabmeat	23268-23272	Rybutol gelucaps	23299
Crunchies	23298	Shellfish. <i>See</i> Fish and shellfish.	
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Dicalcium phosphate with vita-		terials	23293, 23294
min D tablets	23300	Spinach, frozen	23281
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Flavors. <i>See</i> Spices, flavors, and		juice	23283, 23284
seasoning materials.		Turkeys. <i>See</i> Poultry.	
Flour	23257-23259	VCA gelucaps, Multi-Vitamin	23296
Fruits and vegetables	23276-	Vegetables. <i>See</i> Fruits and vege-	
23284, 23294		tables.	
fruit, dried	23276, 23294	Vi-Nutro Perles	23296
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tomato products	23282-23284	Vitamelk	23295
vegetables	23278-23281	Vitamin, mineral, and other prod-	
Good Diet vitamin capsules and		ucts of special dietary sig-	
Good Diet vitamin-mineral		nificance	23295-23300
capsules	23299	Walnuts, unshelled	23287
		Wheat, bulk	23264

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]

23301-23350

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 default or consent decrees of condemnation were entered and (2) criminal proceedings which were terminated upon pleas of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal 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., *September 25, 1957.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23301-23350**

Adulteration, Section 402 (a) (2), the article, in one case, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; and, in another case, 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; 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 (a) (5), the article was in whole or in part the product of a diseased animal; 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 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; 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 (b), the article was offered for sale under the name of another food; Section 403 (e) (1), the article was in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; 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.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

23301. Cakes. (F. D. C. No. 38541. S. Nos. 13-401/7 M, 29-848/51 M.)

INFORMATION FILED: 11-29-55, E. Dist. Pa., against John E. Mayer, Philadelphia, Pa.

SHIPPED: Between 8-3-55 and 8-10-55, from Pennsylvania to Maryland and New York.

LABEL IN PART: (Pkg.) "Layer Cake Net Wt. 16 Oz. 53¢ Zaffere's Bakery Federalburg, Md. Distributors," and "Tea Ring [or "Short Cake Layer," "Loaf Pound," or "Half Ring Pound"] * * * John E. Mayer Philadelphia, Penna."

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

PLEA: Guilty.

DISPOSITION: 10-30-56. \$1,000 fine; jail sentence for 1 year suspended and defendant placed on probation for 3 years.