

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23451-23550**

Adulteration, Section 402 (a) (1), the article contained an added poisonous substance which may have rendered it injurious to health; 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 two other cases, 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 (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 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 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 (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 (k), the article contained an artificial coloring, and it failed to bear labeling stating that fact.

BEVERAGES AND BEVERAGE MATERIALS*

23451. Coffee. (F. D. C. No. 35595. S. Nos. 52-888 L, 71-671 L, 80-708/9 L, 88-849/50 L.)

INFORMATION FILED: 1-24-57, S. Dist. N. Y., against Ph. Wechsler & Son, Inc., New York, N. Y., and Abraham Wechsler, secretary and acting president.

SHIPPED: Between 3-9-54 and 5-24-54, from New York to New Jersey, Connecticut, Massachusetts, and Pennsylvania.

CHARGE: 402 (b) (2)—mixtures of coffee and a cereal product, coffee and spent coffee grounds, or coffee, a cereal product, and spent coffee grounds had been substituted in part for coffee when shipped; and 402 (b) (4)—cereal products and/or spent coffee grounds had been added to the article to increase its bulk and weight and reduce its quality.

PLEA: Guilty.

DISPOSITION: 1-30-57. Corporation—\$1,100 fine; individual—sentence suspended and placed on probation for 1 day.

*See also Nos. 23520, 23521.