

**24949. Salicylic acid.** (F.D.C. No. 40661. S. No. 57-425 M.)

**QUANTITY:** 1 110-lb. can containing 10 lbs. of the article and 5 doz. ctns. of the article which had been repackaged from the 110-lb. can, and 1,600 loose labels, at Atlanta, Ga., in possession of R. G. Dunwoody & Sons, Inc.

**SHIPPED:** 7-18-57, from St. Louis, Mo.

**LABEL IN PART:** (Ctn.) "Salicylic Acid 4 Drams."

**RESULTS OF INVESTIGATION:** The cartons into which the article was repackaged were labeled by the consignee; and the loose labels, which were the same as the carton labels, were prepared by the consignee.

**LIBELED:** 9-26-57, N. Dist. Ga.

**CHARGE:** 403(a)—the statement "It is used by many persons for preserving catsups, jams, jellies, fruits, etc.," appearing in the labeling of the article, while held for sale, was misleading since the labeling of the article failed to reveal the material fact, in the light of such statement, that the article was a deleterious ingredient unsuitable for use in foods.

**DISPOSITION:** 11-7-57. Default—destruction.

**24950. Chocolate-brown shade.** (F.D.C. No. 41600. S. No. 37-888 P.)

**QUANTITY:** 1 55-gal. drum at St. Louis, Mo.

**SHIPPED:** 12-31-57, from Chicago, Ill., by Ed. Long Chemical Co.

**LABEL IN PART:** "Chocolate Brown Shade No. 200 \* \* \* A Vegetable Color With The Addition of U.S. Certified Color."

**RESULTS OF INVESTIGATION:** Examination showed that the article was a mixture of caramel color and a certifiable coal-tar color, FD&C Red No. 2 (amaranth).

**LIBELED:** 2-26-58, E. Dist. Mo.

**CHARGE:** 402(c)—when shipped, the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations since the mixture of caramel and FD&C Red No. 2 (amaranth) had not been certified.

**DISPOSITION:** 3-24-58. Default—destruction.

**INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 24851 TO 24950****PRODUCTS**

	N.J. No.		N.J. No.
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Apple(s), cider vinegar.....	24933	powder.....	24918
dried.....	24887	Choc-Ola chocolate drink.....	24947
pomace, dried.....	24888	Chocolate-brown shade.....	24950
Bakery products.....	24858-24860	drink, Choc-Ola.....	24947
Beans, lima, dried.....	24891	Coal-tar color.....	24950
Beverages and beverage mate- rials.....	24851-24857, 24947	Coconuts.....	24915
Black-eyed peas, dried.....	24892	Coffee.....	24851-24853, 24855
Brazil nuts, unshelled.....	24899, 24900	green.....	24854
Butter.....	24884, 24885	Color, coal-tar.....	24950
Caraway seed.....	24919	Dairy products.....	24884, 24885
Cashew nuts.....	24901	Dates.....	24887
Cereals and cereal products.....	24858- 24883	Dillweed.....	24929
		Fennel seed.....	24920-24923

# 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]

24951-25000

#### 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. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, by consent, or after trial; (2) a criminal proceeding which was terminated upon a plea of guilty; and (3) injunction proceedings terminated upon the entry of a preliminary injunction by consent, or upon the entry of a permanent injunction by consent or after a hearing. 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.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 24951-25000**

*Adulteration*, Section 402(a) (2), the article, in one case, contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406; and, in another case, the article was a raw agricultural commodity and contained a pesticide chemical which is 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 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 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; 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 has 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 in terms of weight, measure, or numerical count; Section 403(f), words, statements, or other 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) and in such terms 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 standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403(i) (2), the article 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.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

24951. Flour, bakery mixes, cornmeal, sugar, salt, and shortening. (Inj. No. 328.)

COMPLAINT FOR INJUNCTION FILED: 2-12-58, W. Dist. of Pa., against Schomaker Co., a partnership, Pittsburgh, Pa.