

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 25251-25350**

Adulteration, Section 402(a)(2), 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(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 or strength, or make it appear better or of greater value than it was; Section 408(a), poisonous or deleterious pesticide chemicals had been added to a raw agricultural commodity, for which a tolerance had been prescribed by the Secretary of Health, Education, and Welfare, and the quantity of the pesticide chemical was in excess of the tolerance.

Misbranding, Section 403(a), the labeling of the article was false and misleading; 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(h)(1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations and its quality fell below such standard, and its label failed to bear a statement that it fell below such standard; Section 403(i), 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.

Oleomargarine, Section 407(b)(3), the label of the article, when sold and offered for sale, failed to bear the word "oleomargarine" or "margarine" and a full and accurate statement of all the ingredients contained in such oleomargarine or margarine; and 407(b)(4), each part of the contents of the package was not contained in a wrapper which bore the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

BEVERAGES AND BEVERAGE MATERIALS

25251. Coffee. (F.D.C. No. 42167. S. No. 7-727 P.)

INFORMATION FILED: 12-16-58, Dist. Mass., against Armand G. Boivin, t/a Union China Tea Co., Fall River, Mass.

ALLEGED VIOLATION: Between 5-22-58 and 6-12-58, while a quantity of roasted, unground coffee was being held for sale after shipment in interstate commerce, the defendant caused such coffee to be mixed with cereal and chicory, ground, and packed into retail bags, which resulted in the article being adulterated and misbranded.

LABEL IN PART: (Retail bag) "One Pound Net Weight Boivin's High Grade Fresh Roasted Coffee."

CHARGE: 402(b)(2)—while held for sale, cereal and chicory had been substituted in part for coffee; 403(a)—the label statement "Coffee" was false and misleading; and 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.

PLEA: Guilty.

DISPOSITION: 5-4-59. \$500 fine and probation for one year.

25252. Coffee skimmings. (F.D.C. No. 42344. S. No. 28-950 P.)

QUANTITY: 119 110-lb. bags at New Orleans, La.

SHIPPED: On various dates during September 1958, from New York, N.Y.

LIBELED: 10-28-58, E. Dist. La.

CHARGE: 402(a)(3)—contained insect-damaged coffee beans and moldy coffee beans while held for sale.

DISPOSITION: 12-22-58. Default—destruction.

CEREALS AND CEREAL PRODUCTS

CORNMEAL

25253. Cornmeal. (F.D.C. No. 42381. S. No. 22-092 P.)

QUANTITY: 255 25-lb. bags at Tulsa, Okla., in possession of Hale-Halsell Co.

SHIPPED: 10-23-58 and 11-5-58, from St. Joseph, Mo.

LIBELED: 11-26-58, N. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-12-58. Consent—destruction.

25254. Cornmeal. (F.D.C. No. 42361. S. No. 38-621 P.)

QUANTITY: 157 25-lb. bags at Hope, Ark., in possession of Stephens Grocer Co.

SHIPPED: 10-11-58, from St. Joseph, Mo.

LIBELED: 11-19-58, W. Dist. Ark.

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

DISPOSITION: 12-15-58. Consent—claimed by Stephens Grocer Co. Segregated; 73 bags denatured for use as animal feed.

25255. Cornmeal and flour. (F.D.C. No. 42303. S. Nos. 29-524/5 P.)

QUANTITY: 142 25-lb. bags of cornmeal and 56 25-lb. bags of flour at Jackson, Miss.

SHIPPED: 9-29-58 and 10-9-58, from Memphis, Tenn., and Birmingham, Ala.

LIBELED: 11-14-58, S. Dist. Miss.

CHARGE: 402(a)(3)—contained rodent urine and (cornmeal) rodent hairs while held for sale.

DISPOSITION: 12-9-58. Default—consumption by animals.

FLOUR*

25256. Flour. (F.D.C. No. 42202. S. Nos. 7-731/2 P.)

QUANTITY: 26 100-lb. bags at Fall River, Mass.

SHIPPED: 8-2-58, from Minneapolis, Minn.

LIBELED: 9-22-58, Dist. Mass.

*See also No. 25255.