

DISPOSITION: 11-19-58. Consent—claimed by Overseas Produce Corp., New York, N.Y. Segregated; 1,430 lbs. destroyed.

25348. Ground vanilla beans. (F.D.C. No. 42371. S. No. 17-393 P.)

QUANTITY: 16 100-lb. drums at Cincinnati, Ohio.

SHIPPED: 4-4-56, from Northville, Mich., by Northville Laboratories, Inc.

LIBELED: 11-21-58, S. Dist. Ohio.

CHARGE: 402(b)(1)—when shipped, the valuable constituents of the article, namely, the flavoring principles, had been in part omitted or abstracted therefrom.

DISPOSITION: 12-3-58. Default—destruction.

25349. Vinegar stock. (F.D.C. No. 42334. S. No. 29-646 P.)

QUANTITY: 6,104 gallons at Paris, Tex.

SHIPPED: 9-18-58, from Sebastopol, Calif., by Speas Co.

LIBELED: 10-21-58, E. Dist. Tex.

CHARGE: 402(a)(3)—contained flies, fly eggs, and maggots; and 402(a)(4)—manufactured under insanitary conditions.

DISPOSITION: 12-18-58. Consent—claimed by Speas Co. and converted into fruit spirits.

25350. Vinegar. (Inj. No. 324.)

COMPLAINT FOR INJUNCTION FILED: 1-4-58, W. Dist. Va., against National Fruit Product Co., Inc., Winchester, Va.

CHARGE: The complaint alleged that the defendant had been and was, at the time of the filing of the complaint, operating a plant at Winchester, Va., for the preparation, storage, and distribution of vinegar, a food; that it had been and was, at the time of filing the complaint, storing and holding such food in storage tanks under insanitary conditions resulting from the presence of insect filth on the inside walls of the tanks and in the vinegar contained therein, swarms of fruit flies in the air spaces at the top of the tanks, and loose-fitting covers and trap doors through which insects could enter the tanks; that the defendant had on hand approximately 1,200,000 gallons of insect-contaminated vinegar in 27,000-gallon tanks on its premises; and that the defendant was introducing and causing to be introduced into interstate commerce, vinegar adulterated as follows: 402(a)(3)—the vinegar was contaminated with insects, insect fragments, insect excreta, insect larvae and pupae, insect eggs, maggots and mites; and 402(a)(4)—it was prepared, packed, and held under insanitary conditions.

DISPOSITION: On 1-4-58, the court issued a temporary restraining order. Thereafter, on 2-4-58, the defendant having consented to the entry of a decree, a permanent injunction was entered enjoining the defendant from introducing or delivering for introduction into interstate commerce, the vinegar on hand in defendant's plant on 1-27-58, and stored in a total of 33 tanks, until brought into compliance with the law, under the supervision of the Food and Drug Administration, as follows: the vinegar in the tanks was to be layered off two feet on the bottom and one foot on the top; the vinegar layered off from the top and bottom of the tank was to be pumped to holding tanks and the accumulation distilled, destroyed, or otherwise disposed of under supervision of the Food and Drug Administration; the

middle layers of the vinegar in the tanks were to be filtered into completely sanitized and insect-proofed tanks; all other fermentation and holding tanks were to be covered by insect-proof covers; and the layering off, tank cleaning, and covering operations were to be completed by 5-1-58.

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PRODUCTS

	N.J. No.		N.J. No.
Almonds, shelled	25333	Fruits and vegetables	25286, 25301-
Baking mix	25280		25326
Beans, black-eyed, dried	¹ 25306	fruit, canned	25301
green, cut, canned	25314	dried	25302, 25303
fava, dried	25307	miscellaneous fruit prod-	
kidney, dried	¹ 25306	ucts	25304, 25305
lima, dried	¹ 25306	tomatoes and tomato prod-	
mung, dried	25308	ucts	25322-25326
pink, dried	¹ 25306	vegetable and vegetable prod-	
pinto, dried	25309	ucts	25286, ¹ 25306-25321
red, California, dried	¹ 25306	Ginger root	25346, 25347
white, small, dried	¹ 25306	Haddock fillets, frozen	25291-25294
Beverages and beverage ma-		Kidney beans, dried	¹ 25306
terials	25251, 25252	Lettuce	25312
Black-eyed beans, dried	¹ 25306	Lima beans, dried	¹ 25306
Brazil nuts, unshelled	25328	Macaroni and noodle products	25263,
Butter	25281-25284		25264
Cashews, shelled	25333	Mandarine cheese	25286
Cereals and cereal products	25253-	Mix, baking	25280
	25280, 25345	Muffin mix	25280
Cheese, cottage	25285	Mung beans, dried	25308
mandarine	25286	Mushrooms, canned	25318, 25319
provoloni	25286	Noodles. See Macaroni and	
Chickpeas, dried	25310	noodle products.	
Chow mein, chicken, frozen	25345	Nuts	¹ 25306, 25327-25337
Coffee	25251	Oleomargarine	25338-25340
skimmings	25252	Olives, black	25286
Corn, canned	25315	Orange juice, canned	25304, 25305
Cornish, Rock, game hens,		Oysters	² 25300
canned	25342-25344	Peaches, canned	25301
Cornmeal	25253-25255	Peanuts, shelled	25333-25335
Cottage cheese	25285	Spanish	25336
Crabmeat, fresh	¹ 25299	unshelled	25329-25331
Dairy products	25281-25286	Peas, field, frozen, with snaps	¹ 25313
Dates, pitted	25302, 25303	split, green, dried	25311
Egg(s), whole, frozen	25287, 25288	Pecans, shelled	25333
noodles	25264	unshelled	25332
Fava beans, dried	25307	Peppers, canned	25316
Fish and shellfish	² 25289-25300	Perch fillets, frozen	25290
Flour	25255, 25256-25261	Pickle products, brined	¹ 25321
rice	25262	relish	25320
Frog legs, frozen	25298		

¹ (25306, 25299, 25321, 25313, 25350) Injunction issued.

² (25300) Injunction contested.

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]

25351-25450

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 decrees of condemnation were entered by default or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) an injunction proceeding terminated upon the entry of a permanent injunction by consent. The seizure proceedings are civil actions taken against the goods alleged to be in violation, and the criminal and injunction 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., January 4, 1960.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 25351-25450**

Adulteration, Section 402(a) (1), the article contained an added deleterious 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 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(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; and Section 408(a), a poisonous or deleterious pesticide chemical 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; or such tolerance had been so prescribed, 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(b), the article was offered for sale under the name of another food; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents in terms of weight; Section 403(f), a word, statement, 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(h) (1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations, and it fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

25351. Bakery products. (F.D.C. No. 42395. S. Nos. 1-737 P, 1-741 P, 2-702 P, 3-165/8 P, 28-361 P.)

INFORMATION FILED: 3-3-59, N. Dist. Ga., against Dortch Baking Co., a partnership, Atlanta, Ga., Dudley L. Dortch, Jr., a partner, and Garvice W. Prince, an employee.

SHIPPED: Between 4-25-58 and 8-1-58, from Georgia to North Carolina and Alabama.