

FEDERAL SECURITY AGENCY

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]

2551-2825

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., August 24, 1942.

CONTENTS

	Page		Page
Beverages and beverage materials.....	313	Fruits and vegetables.....	355
Tea.....	313	Fresh fruits.....	355
Cereal products.....	314	Frozen strawberries.....	357
Flour.....	314	Canned fruits and vegetables.....	357
Corn meal.....	330	Tomatoes and tomato products.....	361
Bakery products.....	333	Other fruit and vegetable products.....	366
Macaroni products.....	334	Dried fruits and vegetables.....	368
Miscellaneous.....	334	Poultry.....	369
Feed.....	338	Nuts and nut products.....	370
Cod-liver and sardine oils.....	337	Oils and fats.....	371
Dairy products.....	338	Saccharine products.....	378
Butter.....	338	Candy.....	378
Miscellaneous.....	345	Sugar and honey.....	384
Eggs.....	347	Flavors.....	385
Fisheries products.....	348	Vitamin preparations.....	387
Shellfish.....	348	Miscellaneous.....	389
Frozen fish.....	352	Index.....	391
Canned salmon.....	355		

BEVERAGES AND BEVERAGE MATERIALS

TEA

2551. Misbranding of tea. U. S. v. 14 Cases of Tea. Default decree of condemnation. Product ordered delivered to American Red Cross. (F. D. C. No. 5172. Sample No. 48263-E.)

The packages containing this product were filled to about two-thirds of their capacity.

On July 22, 1941, the United States attorney for the Southern District of Georgia filed a libel against 14 cases of tea at Baxley, Ga., alleging that the article had been shipped in interstate commerce on or about May 21, 1941, by Bowers Bros., Inc., from Richmond, Va.; and charging that it was misbranded. It was labeled in part: "Ring Leader Orange Pekoe and Pekoe Tea."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading since the packages were too large for the amount of tea they contained and the tea did not occupy a reasonable amount of the available space.

On August 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the American Red Cross at Savannah, Ga., for distribution.

CEREAL PRODUCTS

FLOUR

Nos. 2552 to 2602, inclusive, report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. The time of infestation was not determined.

2552. Adulteration of flour. U. S. v. 22 Bags and 22 Bags of Flour. Consent decree of condemnation and destruction with provision for release under bond; product destroyed. (F. D. C. No. 5297. Sample Nos. 957-E, 958-E.)

On August 2, 1941, the United States attorney for the Middle District of Georgia filed a libel against 44 24-pound bags of flour at Athens, Ga., alleging that the article had been shipped on or about February 28 and October 28, 1940, by Acme Flour Mills Co. from Oklahoma City, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Fancy Short Patent Acme Flour," or "Cherokee Rose Flour."

On August 26, 1941, Talmadge Bros. & Co., Inc., Athens, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation and destruction was entered with provision for release of the product under bond for reworking under the supervision of the Food and Drug Administration. On October 1, 1941, the claimant having failed to pay costs or file bond as provided in the order for release, the product was destroyed.

2553. Adulteration of flour. U. S. v. 482 Bags, 480 Bags, and 59 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed. (F. D. C. Nos. 5829, 6078. Sample Nos. 67711-E, 70009-E, 70010-E.)

On September 24 and October 24, 1941, the United States attorneys for the Southern District of Florida and the Western District of Tennessee filed libels against 962 6-pound bags of flour at Jacksonville, Fla., and 59 48-pound bags of flour at Jackson, Tenn., alleging that the article had been shipped within the period from on or about February 25 to on or about June 16, 1941, by Acme Mills or Acme Milling Co. from Hopkinsville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kentucky Rose Self-Rising Flour," "Sugar Loaf Self-Rising Flour," or "White Moon * * * Flour Self-Rising."

On October 16, 1941, Hagin-Peters Co., Jacksonville, Fla., having appeared as claimant for the product seized at Jacksonville, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed under the supervision of the Food and Drug Administration. On December 1, 1941, no claimant having appeared for the flour seized at Jackson, Tenn., judgment of condemnation was entered and the product was ordered destroyed.

2554. Adulteration of flour, U. S. v. 138 Bags and 21 Bags of Flour. Decrees of condemnation and destruction. (F. D. C. Nos. 2473, 6001. Sample Nos. 35084-E, 49855-E.)

On July 31, 1940, and October 9, 1941, the United States attorneys for the Eastern District of Texas and the Southern District of Mississippi filed libels against 138 bags of flour at Jefferson, Tex., and 21 bags of flour at Jackson, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about June 1, 1940, to on or about September 11, 1941, by the Arkansas City Flour Mills Co. from Arkansas City, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden West Flour, Majestic Flour Mill, Aurora, Mo.," or "20% Cut Off Flour."

On January 6, 1941, the claimant for the product seized at Jefferson having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed. On February 5, 1942, no claimant having appeared for the flour seized at Jackson, judgment was entered ordering that the product be destroyed.

2555. Adulteration of flour. U. S. v. 759 [811] Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 5965, 5966, 5967, 5968. Sample Nos. 35810-E to 35816-E, incl.)

On October 9, 1941, the United States attorney for the Western District of Louisiana filed a libel against 811 bags of flour at Monroe, La., alleging that 176 48-pound bags of the article had been shipped by Buhler Mill & Elevator Co. from Buhler, Kans., on or about July 11 and August 23, 1941, 256 48-pound bags