

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]

4701-4900

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

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

WASHINGTON, D. C., February 1, 1944.

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BEVERAGE MATERIAL

4701. Adulteration of coffee. U. S. v. Aroma Coffee Co., Inc. Plea of guilty.
 Fine, \$2500 (F. D. C. No. 8820. Sample No. 18683-F.)

On April 1, 1943, the United States attorney for the District of New Jersey filed an information against the Aroma Coffee Co., Inc., at Newark, N. J., alleging shipment on or about November 10, 1942, from the State of New Jersey into the State of Connecticut of a quantity of coffee. The article was invoiced as coffee and was labeled in part: "New Aroma Blend Coffee 100% Pure." The legend "75% Coffee 25% Chick Peas" had been faintly stamped by means of a rubber stamp over the plain and conspicuous statement "100% Pure" in such manner that the former was in part illegible and in part barely legible on close scrutiny.

The article was alleged to be adulterated in that a substance, ground coffee, containing a large proportion of ground roasted chick peas had been substituted wholly or in part for pure coffee, which it purported and was represented to be. It was alleged to be misbranded (1) in that the plain and conspicuous statement, "Coffee 100% Pure," borne on the bag was false and misleading since it represented that the article was pure coffee and the misleading impression was not corrected by the inconspicuous statement "75% Coffee 25% Chick Peas"; (2) in that it was offered for sale, invoiced under the name of another food, coffee; and (3) in that

it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On April 30, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250.

4702. Adulteration and misbranding of coffee. U. S. v. 37 Bags of an article labeled in part "New Aroma Blend Coffee." Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 8973. Sample No. 18683-F.)

On or about December 9, 1942, the United States attorney for the District of Connecticut filed a libel against 37 1-pound bags of coffee at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Aroma Coffee Co., Inc., from Newark, N. J.; and charging that it was adulterated and misbranded. The article was invoiced as coffee and was labeled in part: (Bag) "New Aroma Blend Coffee 100% Pure." An almost illegible statement reading "75% Coffee 25% Chick Peas" had been stamped over the words "100% Pure."

The article was alleged to be adulterated in that a substance, ground roasted coffee containing a large proportion of ground roasted chick peas, had been substituted in whole or in part for coffee, which it was represented to be.

It was alleged to be misbranded (1) in that the statement, "Coffee 100% Pure," was false and misleading as applied to a mixture of ground roasted coffee containing a large proportion of ground roasted chick peas, and this statement was not corrected by the inconspicuous statement, "75% Coffee 25% Chick Peas"; (2) in that it was offered for sale under the name of another food, coffee; and (3) in that the common or usual name of each ingredient, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On March 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

4703. Adulteration of coffee. U. S. v. 251 Bags, 175 Bags, and 92 Bags of Coffee. Unfit portion condemned and ordered destroyed. (F. D. C. Nos. 7892 to 7894, incl. Sample Nos. 88029-E, 88030-E, 88043-E.)

This product was worm-damaged.

On July 14, 1942, the United States attorney for the District of Montana filed libels against a total of 518 132-pound bags of a green coffee at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about May 9, 1942, by Leon Israel & Bros., Inc., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 21, 1943, Sawyer Stores, Inc., the Keil Co., and C. E. Newman, trading as the Newman Coffee Co., having appeared as claimants for the respective lots, the product having been reconditioned by separating the portion unfit for human consumption from the good portion, and the claimants having consented to the entry of a decree, judgment was entered condemning the rejected portion and ordering it destroyed.

4704. Misbranding of CoVee (coffee substitute). U. S. v. 27 Packages of CoVee Coffee Substitute. Default decree of condemnation and destruction. (F. D. C. No. 9449. Sample No. 31935-F.)

This product consisted of roasted ground soybeans and ground barley. No chicory tissues were detected.

On March 5, 1943, the United States attorney for the Southern District of Indiana filed a libel against 27 packages of coffee substitute at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about January 19, 1943, by the Royale Popcorn Co., Inc., from Cleveland, Ohio; and charging that it was misbranded. The article was labeled in part: (Packages) "Victory Drink CoVee Coffee Substitute * * * Distributed by J. B. Robinson, Cleveland, Ohio."

The article was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since the word "Cereals," borne on the label, is not