

23450. Multivitamin tablets. (F. D. C. No. 39234. S. No. 23-643 M.)

QUANTITY: 47 100-tablet bottles at Boston, Mass.

SHIPPED: Prior to 1952 and on 4-3-53, from Long Beach, Calif.

LIBELED: 5-14-56, Dist. Mass.

CHARGE: 402 (b) (1)—valuable constituents, vitamins A, B₁, C, and D, had been in part omitted or abstracted from the article while held for sale; and 403 (a)—the following label statements were false and misleading: "Each tablet provides the following proportions of the minimum adult daily requirements of Vitamins: D . . . 166% . . . 667 U. S. P. Units A . . . 33% . . . 1334 U. S. P. Units B₁ . . . 33% (0.34 mg.) . . . 111 U. S. P. Units * * * C . . . 33% (10.0 mg.) . . . 200 U. S. P. Units."

DISPOSITION: 7-9-56. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 23401 TO 23450

PRODUCTS

	N. J. No.		N. J. No.
Apple butter	¹ 23426	Egg (s)	¹ 23418
chops, dried	¹ 23425	frozen	^{1 4} 23418-23420
Bakery products	^{2 1} 23404-23406	noodles	⁴ 23409
Beans, Great Northern	23428	Fats. <i>See</i> Oils and fats.	
Beef, corned, canned	23433, 23434	Fish and shellfish	¹ 23421-23424
Beverages and beverage materials	³ 23401-23403, 23429	Flavors. <i>See</i> Spices, flavors, and seasoning materials.	
Blackberry jelly	23427	Flour	¹ 23407, 23408
Boysenberry Nectarade, canned	23402	Fruits and vegetables	³ 23401, 23402, ^{1 5} 23425-23432
Bread and rolls	¹ 23405	fruit butter and jelly	¹ 23426, 23427
Butter	¹ 23414, ¹ 23415, 23417	dried	¹ 23425
Cakes and cookies	² 23404, ¹ 23405	vegetables and vegetable products	⁵ 23428-23432
Candy. <i>See</i> Confectionery.		Great Northern beans	23428
Cashew nuts	23439	Hi-C Orange-ade, canned	³ 23401
Celery juice, canned	23429	Horseradish	⁶ 23444
Cereals and cereal products	^{2 1 4} 23404-23411	Jelly, blackberry	23427
Cheese	¹ 23414-23416	raspberry, red	23427
Chickens. <i>See</i> Meat and poultry.		Macaroni and noodle products	⁴ 23409
Chop suey dinners	23438	Meat and poultry	¹ 23433-23438
Coffee, green	23403	Milk	¹ 23416
Confectionery	¹ 23412, ¹ 23413	Mushrooms, dried	23430, 23431
Cookies. <i>See</i> Cakes and cookies.		Nectarade, boysenberry, canned	23402
Corned beef, canned	23433, 23434	Noodles. <i>See</i> Macaroni and noodle products.	
Crabmeat	¹ 23423, ¹ 23424	Nuts	23439, 23440
Crackers	² 23404	Oils and fats	23441-23443
Dairy products	¹ 23414-23417		
Dinners, chop suey	23438		

¹ (23405-23407, 23412-23416, 23418, 23419, 23423-23426, 23435, 23445) Injunction issued.

² (23404) Injunction contested. Contains opinion of the court.

³ (23401) Seizure contested. Contains opinion of the court.

⁴ (23409, 23420) Seizure contested.

⁵ (23432) Contempt proceedings for violation of injunction.

⁶ (23444) Prosecution 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]

23451-23550

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 default or consent decrees of condemnation were entered; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) proceedings for violation of probation terminated upon a plea of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and violation of probation 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., *February 28, 1958.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23451-23550**

Adulteration, Section 402 (a) (1), the article contained an added poisonous 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 other 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 (a) (5), the article was in whole or in part the product of a diseased animal; 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; 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 had 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 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403 (k), the article contained an artificial coloring, and it failed to bear labeling stating that fact.

BEVERAGES AND BEVERAGE MATERIALS*

23451. Coffee. (F. D. C. No. 35595. S. Nos. 52-888 L, 71-671 L, 80-708/9 L, 88-849/50 L.)

INFORMATION FILED: 1-24-57, S. Dist. N. Y., against Ph. Wechsler & Son, Inc., New York, N. Y., and Abraham Wechsler, secretary and acting president.

SHIPPED: Between 3-9-54 and 5-24-54, from New York to New Jersey, Connecticut, Massachusetts, and Pennsylvania.

CHARGE: 402 (b) (2)—mixtures of coffee and a cereal product, coffee and spent coffee grounds, or coffee, a cereal product, and spent coffee grounds had been substituted in part for coffee when shipped; and 402 (b) (4)—cereal products and/or spent coffee grounds had been added to the article to increase its bulk and weight and reduce its quality.

PLEA: Guilty.

DISPOSITION: 1-30-57. Corporation—\$1,100 fine; individual—sentence suspended and placed on probation for 1 day.

*See also Nos. 23520, 23521.