

CHARGE: 402 (a) (3)—contained birds which were contaminated with fecal and crop material when shipped.

DISPOSITION: 2-25-57. Default—destruction.

23847. Dressed turkeys. (F. D. C. No. 39862. S. No. 62-601 M.)

QUANTITY: 4 225-lb. crates at New York, N. Y.

SHIPPED: 1-23-57, from Philadelphia, Pa., by Quaker City Dressed Poultry Co., Inc.

LABEL IN PART: "Dressed Poultry * * * Quaker Brand Poultry."

LIBELED: 2-18-57, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds which were contaminated with fecal matter and extensively bruised birds when shipped; and 402 (a) (5)—it was in whole or in part the product of a diseased animal.

DISPOSITION: 3-15-57. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

23848. Fennel seed. (F. D. C. No. 39804. S. No. 33-451 M.)

QUANTITY: 10 120-lb. bags at Omaha, Nebr.

SHIPPED: 10-30-56, from New York, N. Y., by Knickerbocker Mills Co.

LABEL IN PART: (Bag) "Leo New York Produce of India Triple Recleaned Fennel."

LIBELED: 12-7-56, Dist. Nebr.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 1-9-57. Default—destruction.

23849. Vanilla beans. (F. D. C. No. 40095. S. No. 59-426 M.)

QUANTITY: 59 lbs. at Philadelphia, Pa.

SHIPPED: 2-7-57, from Springfield, Mass. This was a return shipment.

LIBELED: 3-11-57, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained live insects while held for sale.

DISPOSITION: 3-27-57. Consent—claimed by Zink & Triest Co., Philadelphia, Pa. Segregated; 19 lbs. 11 ozs. destroyed.

23850. Dietall. (F. D. C. No. 39946. S. No. 56-434 M.)

QUANTITY: 12 25-lb. boxes at Cambridge, Minn.

SHIPPED: 12-26-56, from New York, N. Y., by Mainland Corp.

LABEL IN PART: "Dietall 'The Complete Food' * * * Flavor Meat."

RESULTS OF INVESTIGATION: The article was manufactured by Foodmaker, Inc., Lindenhurst, N. Y.

LIBELED: 2-13-57, Dist. Minn.

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

DISPOSITION: 3-27-57. Default—destruction.

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]

23851-23900

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 and (2) criminal proceedings which were terminated upon pleas of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal 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., August 7, 1958.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23851-23900**

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 is unsafe within the meaning of Section 406, and, in one other case, the article was a raw agricultural commodity and contained a pesticide chemical which is 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) (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 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.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

23851. Bakery products. (F. D. C. No. 39988. S. Nos. 35-057 M, 41-452 M.)
INFORMATION FILED: 4-22-57, N. Dist. Ohio, against Lembright Grocers Baking Co., a corporation, Alliance, Ohio.

SHIPPED: 10-3-56 and 10-4-56, from Ohio to Pennsylvania and New York.

LABEL IN PART: (Wrapper) "Buttertop Filled Coffee Ring 10 oz. Dist. By NBC Bread Bakery," and "Buttertop Cinnamon Rolls Berry Filled 10 oz. Dist. By NBC Bread Bakery."

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hair fragments; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-10-57. \$500 fine.

23852. Cookies. (F. D. C. No. 39814. S. No. 22-142 M.)

QUANTITY: 196 cases, 12 6-oz. pkgs. each, at Sharpsburg, Pa.

SHIPPED: 9-26-56, from Brooklyn, N. Y., by A. B. C. Baking Co.

LABEL IN PART: "Continental Favourites-29¢ Viennese Cookies Chocolate Assortment."

LIBELED: 12-11-56, W. Dist. Pa.