

**BEVERAGES AND BEVERAGE MATERIAL**

**26201. Coffee.** (F.D.C. No. 43112. S. Nos. 4-689 P, 4-960 P.)

**INFORMATION FILED:** 10-14-59, E. Dist. Va., against Norva Coffee Co., a partnership, Norfolk, Va., and Steve A. Votsis, partner.

**ALLEGED VIOLATION:** On 3-24-59, while a quantity of green coffee was being held for sale after shipment in interstate commerce, the defendants caused a quantity of the article to be roasted, blended, mixed with chicory, and packed into retail bags labeled in part "Windsor House Coffee," which acts resulted in the article being adulterated and misbranded.

The information alleged also that the defendants on 3-28-59, caused to be shipped from Norfolk, Va., to Elizabeth, N.C. a number of 1-lb. retail bags labeled in part "York Hotel Blend Quality Service Fresh Roasted Coffee Norva Coffee Co. Norfolk, Va." which were adulterated.

**CHARGE:** 402(b)(1)—(Both lots) a valuable constituent, namely, coffee, had been in part omitted from the article; 402(b)(2)—(both lots) chicory had been substituted in part for coffee; 403(a)—(Windsor House brand) the label statement "Coffee" was false and misleading; and 403(i)(2)—the article was composed of two or more ingredients, namely, coffee and chicory, and its label failed to bear the common or usual name of each such ingredient.

**PLEA:** Guilty.

**DISPOSITION:** 11-2-59. \$250 fine against the defendants jointly.

**26202. Green coffee beans.** (F.D.C. No. 43803. S. No. 74-301 P.)

**QUANTITY:** 182 126-lb. bags at Lafayette, La.

**SHIPPED:** 9-9-59, from New Orleans, La.

**LIBELED:** 11-10-59, W. Dist. La.

**CHARGE:** 402(a)(3)—contained insect-infested coffee beans while held for sale.

**DISPOSITION:** 2-4-60. Default—destruction.

**26203. Green coffee beans.** (F.D.C. No. 44032. S. No. 49-234 P.)

**QUANTITY:** 28 bags, 2,949 lbs. total, at San Francisco, Calif.

**SHIPPED:** 12-7-59, from outside the United States.

**LIBELED:** 1-13-60, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained wood splinters, nondescript dirt, and miscellaneous filth while held for sale.

**DISPOSITION:** 2-12-60. Default—destruction.

**26204. "10" Orange Drink.** (F.D.C. No. 43949. S. No. 46-714 P.)

**QUANTITY:** 45 cases, 6½-gal. btls. each, at Dothan, Ala.

**SHIPPED:** 7-24-59, from Memphis, Tenn., by Burgie Foods Co.

**LABEL IN PART:** "Serv '10' Non-Carbonated Orange Drink \* \* \* Enriched with Vitamin 'C'."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained approximately 69 percent of the minimum daily requirement of vitamin C in each pint as declared on its label.

**LIBELED:** 12-9-59, M. Dist. Ala.

**CHARGE:** 402(b)(1)—while held for sale, the valuable constituent, vitamin C, had been in part omitted or abstracted from the article; 403(a)—the label statement "Enriched with Vitamin "C" Each pint has been enriched with

the normal minimum daily requirement" was false and misleading; and 403 (k)—when shipped, the article contained a chemical preservative, sodium benzoate, and its labeling failed to state the fact that it contained a chemical preservative.

DISPOSITION: 2-9-60. Default—delivered to a charitable institution.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS\*

26205. Raspberry bars and peach-apricot bars. (F.D.C. No. 43913. S. Nos. 72-917/8 P.)

QUANTITY: 21 cases, 24 1-lb. pkgs. each, of raspberry bars, and 70 cases, 24 1-lb. pkgs. each, of peach-apricot bars, at Brooklyn, N.Y.

SHIPPED: 10-14-59 and 11-4-59, from Passaic, N.J., by Weston Biscuit Co.

LABEL IN PART: (Pkg.) "Weston's Raspberry [or "Peach-Apricot"] Bars \* \* \* Weston Biscuit Company, Passaic, N.J."

LIBELED: 12-7-59, E. Dist. N.Y.

CHARGE: Raspberry bar, 402(b)(2)—when shipped, dates, oats, artificial color, artificial flavor, and other ingredients, had been substituted in whole or in part for raspberries in its filling; 402(b)(4)—dates, oats, artificial color, artificial flavor, and other ingredients, had been added to the article or mixed or packed therewith so as to make the article appear better or of greater value than it was; 403(a)—the name of the article "Raspberry Bars," and the vignette displaying cookie bars appearing to contain whole raspberries, were false and misleading as applied to an article in which dates, oats, artificial flavor, artificial color, and other ingredients had been substituted for raspberries; and 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since the article contained dates and other ingredients not declared on its label.

Peach-apricot bar, 402(b)(2)—when shipped, figs, oats, artificial flavor and artificial color, in addition to other ingredients, had been substituted in whole or in part for peaches and apricots in its filling; 402(b)(4)—figs, oats, artificial flavor and artificial color, in addition to other ingredients, had been added to the article, or mixed or packed therewith so as to make it appear better or of greater value than it was; 403(a)—the label statement "Ingredients: Peaches, Apricots," the name of the article "Peach-Apricot Bars," and the vignette displaying peaches and apricots and cookie bars appearing to contain a filling of peaches and apricots were false and misleading as applied to an article in which figs, oats, artificial flavor, and artificial color had been substituted for peaches and apricots; 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since the article contained oats and artificial coloring which were not declared on its label; and 403(k)—the article contained artificial coloring and its labeling failed to state that fact.

DISPOSITION: 1-7-60. Default—delivered to a charitable institution.

\*See also No. 26278.