

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27601-27650.**

Adulteration, Section 402(a)(2)(C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a)(3), the article consisted in whole or in part of a filthy, putrid, 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 might have become contaminated with filth; 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 in whole or in part for the article; Section 402(b)(3), inferiority had been concealed in some manner; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g)(1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and the article failed to conform to such definition and standard; Section 403(i)(2), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the article, (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; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

27601. Cookies. (F.D.C. No. 46333. S. No. 97-925 R.)

QUANTITY: 39 cases, 12 pkgs. each, at Albany, N.Y.

SHIPPED: 7-25-61, from Lowell, Mass., by Megowen Educator Food Co.

LABEL IN PART: (Pkg.) "E Educator Frosted Fruit & Nut Cookies * * * Net Wt. 10 OZS. Megowen Educator Food Co., Lowell, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 9-15-61, N. Dist. N.Y.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-19-61. Default—delivered to charitable institutions.

27602. Coconut Crispies. (F.D.C. No. 46454. S. No. 79-948 R.)

QUANTITY: 32 cases, 12 boxes each, at Pennsauken, N.J.

SHIPPED: 7-11-61, from Lowell, Mass., by Megowen Educator Food Co.

LABEL IN PART: (Box) "E Coconut Crispies Net Wt. 11 $\frac{1}{4}$ Ozs. * * * Megowen Educator Food Co. Lowell, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 9-18-61, Dist. N.J. ✓

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-27-61. Default—delivered to a charitable institution.

27603. Coffeecake, butter cake, and strawberry turnovers. (F.D.C. No. 45934. S. Nos. 73-105/6 R, 73-108 R.)

QUANTITY: 983 cases, 12 14 $\frac{1}{2}$ -oz. aluminum foil containers each, of coffeecake; 1,587 cases, 12 14 $\frac{1}{2}$ -oz. aluminum foil containers each, of butter cake; and 684 cases, 12 12-oz. ctns. each, of strawberry turnovers, at Los Angeles, Calif.

SHIPPED: (Coffeecake and butter cake) 3-2-61, from Denmark, by Gotze; Reje-og Hummerindustri; and (strawberry turnovers) 2-3-61, from Denmark, by Eventyr Isen (Scan-Bakers A/S).

LABEL IN PART: (Cover) "Imported From Denmark * * * Danish Bakers Coffee Cake [or "Butter Cake"] * * * Made From Butter * * * Over $\frac{1}{4}$ Lb. Butter In Each Cake * * * Danish Bakers Inc., Los Angeles 11, California" and (ctn.) "4 Danish strawberry turnovers Made with pure Danish Butter * * * Imported from Denmark * * * Packed in Denmark For Danish Bakers, Inc., Los Angeles-New York."

RESULTS OF INVESTIGATION: Examination of the coffeecake and butter cake showed that they contained less than one-quarter pound of butter, as declared on their labels; and examination of the turnovers showed that approximately 10 percent of the total fat content was butterfat.

LIBELED: 6-6-61, S. Dist. Calif. ✓

CHARGE: Coffeecake and butter cake, 402(b) (1)—when shipped, the valuable constituent, namely, butter, had been in part omitted or abstracted from the articles; 402(b) (2)—fat other than butterfat had been substituted in part for butter; 403(a)—the label statement "Over $\frac{1}{4}$ Lb. Butter In Each Cake" was false and misleading; and 403(i) (2)—the articles were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of such ingredients, since fat other than butterfat had not been declared on their labels.

Strawberry turnovers, 403(a)—when shipped, the label statement "Made with pure Danish Butter" was false and misleading as applied to an article which contained butter and fat other than butterfat; and 403(f)—the name and address of the manufacturer, packer, or distributor, and the ingredient statement, were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, in the