

13022. Misbranding of bakery products. U. S. v. the Merchants Biscuit Co. Plea of nolo contendere. Fine, \$140 and costs. (F. & D. No. 18733. I. S. Nos. 11948-v, 11949-v, 20643-v, 20644-v, 20645-v, 20646-v, 20647-v.)

On December 2, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merchants Biscuit Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in 7 consignments, namely, on or about October 20, November 20, December 1, and December 17, 1923, respectively, from the State of Colorado into the State of Wyoming, and on or about December 10, 1923, and January 18, 1924, respectively, from the State of Colorado into the State of New Mexico, of quantities of bakery products which were misbranded. The articles were labeled in part variously: "Dessert Creams * * * Minimum Net Weight 5½ Oz."; "Velma Creams * * * Minimum Net Weight 5¼ Oz."; "Graham Crackers * * * Minimum Net Weight 7½ Oz."; "Shell Oyster Cracker * * * Minimum Net Weight 9½ Oz."; "Macaroon Snaps * * * Minimum Net Weight 3¾ Oz." (2 shipments); "Oatmeal Crackers * * * Minimum Net Weight 8 Oz." The articles were further labeled: "The Merchants Biscuit Company, Denver."

Examination of samples of the articles by the Bureau of Chemistry of this department showed that 24 packages of dessert creams examined averaged 5.07 ounces net of the article, 18 packages of Velma Creams examined averaged 4.13 ounces net, 30 packages of graham crackers examined averaged 6.32 ounces net, 16 packages of oyster crackers examined averaged 7.76 ounces net, 60 packages from 1 shipment and 36 packages from the other shipment of the macaroon snaps averaged 3.35 ounces and 3.29 ounces, net, respectively, and 18 packages of oatmeal crackers examined averaged 6.81 ounces net.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Minimum Net Weight 5½ Oz.," "Minimum Net Weight 5¼ Oz.," "Minimum Net Weight 7½ Oz.," "Minimum Net Weight 9½ Oz.," "Minimum Net Weight 3¾ Oz.," and "Minimum Net Weight 8 Oz.," borne on the labels affixed to the packages containing the respective articles, were false and misleading, in that the said statements represented that the packages contained the amounts of the various articles declared on the respective labels and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts of the various articles declared on the respective labels, whereas they did not but the said packages contained a less amount than so declared. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 17, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$140 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13023. Adulteration of chocolate concentrate. U. S. v. 7 Gallons Chocolate Concentrate. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 18611. I. S. No. 12987-v. S. No. E-4821.)

On April 23, 1924, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 gallons of chocolate concentrate, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by Jack Beverages, Inc., New York, N. Y., on or about April 4, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Real Chocolate Concentrate Contains Sodium Benzoate less than 1/10 of 1% to Finished Product * * * Jack Beverages, Inc. Manufacturing Chemists * * * New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On June 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be destroyed or sold by the United States [marshal], provided such sale could be speedily effected.

W. M. JARDINE, *Secretary of Agriculture.*

13024. Adulteration and misbranding of lemon pie compound, chocolate pie compound, and coconut creme custard. U. S. v. White & Kleppinger, Inc. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 18761. I. S. Nos. 9630-v, 9631-v, 9632-v.)

On October 14, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against White & Kleppinger, Inc., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, from the State of Illinois into the State of Wisconsin, on or about March 2, 1923, of quantities of lemon pie compound and chocolate pie compound, respectively, and on or about March 15, 1923, of a quantity of coconut creme custard, all of which were adulterated and misbranded. The articles were labeled in part: (Package) "Lemon Pie Compound" (or "Chocolate Pie Compound" or "Cocoanut Creme Custard").

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the lemon pie compound consisted of corn starch, sugar, and citric acid, with an odor suggestive of lemon oil, and contained no eggs nor lemon juice, the chocolate pie compound consisted of starch and cocoa, and contained no sugar nor eggs, and the coconut creme custard consisted of starch and shredded coconut, flavored with vanillin, was artificially colored and contained no eggs and little, if any, sugar.

Adulteration of the lemon pie compound was alleged in the information for the reason that a mixture consisting practically of corn starch, sugar, and citric acid and flavored with a small amount of oil of lemon but containing no lemon juice nor eggs had been substituted for a concentrated lemon pie filling compound, to wit, an article containing among other constituents eggs and lemon juice, which the said article purported to be.

Misbranding of the lemon pie compound was alleged in that the statements, to wit, "Lemon Pie Compound" and "Concentrated Pie Filling," borne on the packages containing the article, were false and misleading, in that the said statements represented the article to be concentrated lemon pie filling compound, to wit, an article containing among other ingredients eggs and lemon juice, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a concentrated lemon pie filling compound, whereas it was not concentrated lemon pie filling compound, in that it contained no eggs nor lemon juice.

Adulteration of the chocolate pie compound was alleged for the reason that a mixture consisting practically of corn starch and cocoa but containing no sugar nor eggs had been substituted for a concentrated chocolate pie filling compound, to wit, an article containing among other constituents eggs and sugar, which the said article purported to be.

Misbranding of the chocolate pie compound was alleged for the reason that the statements, to wit, "Chocolate Pie Compound" and "Concentrated Pie Filling," borne on the packages containing the article, were false and misleading, in that the said statements represented the said article to be a concentrated chocolate pie filling compound, to wit, an article containing among other ingredients sugar and eggs, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was concentrated chocolate pie filling compound, whereas it was not a concentrated chocolate pie filling compound, in that it contained no sugar nor eggs.

Adulteration of the coconut creme custard was alleged for the reason that a mixture consisting practically of corn starch and coconut, artificially flavored with vanillin and artificially colored but containing no eggs nor sugar, had been substituted for coconut creme custard, to wit, an article containing among other constituents eggs and sugar, which the said article purported to be.

Misbranding of the coconut creme custard was alleged for the reason that the statements, to wit, "Cocoanut Creme Custard" and "Makes Delicious Pudding, Cake, Pies, Etc.," borne on the packages containing the article were false and misleading, in that the said statements represented the article to be coconut creme custard, to wit, an article containing among other ingredients eggs and sugar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was coconut