

5142. Misbranding of honey. U. S. v. 168 Cases of Honey. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 9882. Sample No. 44306-F.)

This product was short-weight.

On or about May 6, 1943, the United States attorney for the District of New Jersey filed a libel against 168 cases, each containing 24 jars, of honey at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 2, 1943, by Silver Hill Products, Inc., from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "Silver Hill Imported Honey Net Wt. 1 Lb."

The article was alleged to be misbranded in that the statement "Net Wt. 1 Lb." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 23, 1943, Silver Hill Products, Inc., having appeared as claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for filling the jars, under the supervision of the Food and Drug Administration, so that they would contain the 1 pound of the product as declared on the label.

5143. Misbranding of honey butter. U. S. v. 5 Cartons of Honey Butter. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9795. Sample No. 45142-F.)

This product was short-weight, and analysis showed it to be whipped honey containing no butterfat or milk solids.

On April 27, 1943, the United States attorney for the Southern District of New York filed a libel against 5 cartons of honey butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 22, 1943, by Merit Food Products from Hackensack, N. J.; and charging that it was misbranded. The article was labeled in part: (Jars) "Sun Valley Farms Honey Butter * * * E. A. Dreher, Jr. Distributor * * * Newark, N. J."

The article was alleged to be misbranded in that the name "Honey Butter" was false and misleading as applied to whipped honey containing no butter, since mixtures of honey and butter have been found on the market under the name "Honey Butter." It was alleged to be misbranded further in that the statement "1 Lb.," appearing on the label, was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On May 13, 1943, an amended decree was entered ordering that samples be delivered to the Food and Drug Administration and that the remainder be delivered to a welfare organization.

5144. Adulteration of Cerelose. U. S. v. 56 Sacks of Cerelose. Consent decree of condemnation. Product ordered released under bond to be mixed and disposed of as stock feed. (F. D. C. No. 9854. Sample No. 11106-F.)

This product had been stored under insanitary conditions after shipment in interstate commerce.

On April 23, 1943, the United States attorney for the Northern District of California filed a libel against 56 100-pound sacks of Cerelose (dextrose sugar) in possession of Fluhrer's Bakeries, at Eureka, Calif., alleging that the article had been shipped in interstate commerce on or about December 16, 1941, and January 6, 1942, from Kansas City, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs, rodent pellets, and urine, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 18, 1943, Fluhrer's Bakeries, Eureka, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration. The product was mixed with barley and disposed of as stock feed.

5145. Misbranding of "Swee-Teen." U. S. v. 15 Cases of "Swee-Teen." Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 9811. Sample Nos. 7397-F, 8696-F.)

This product was a mixture of gelatinized starch with small amounts of sodium bicarbonate salt, and tartaric acid. When used as directed it would produce invert sugar, but would not act as a sugar saver.

On April 24, 1943, the United States attorney for the Northern District of Illinois filed a libel against 15 cases of an article labeled in part "Swee-Teen" at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 9, 1943, by the Minnesota Beverage Supply Company from Minneapolis, Minn.; and charging that it was misbranded. The shipment consisted of goods that had been returned to the original shipper, National Food Products, Chicago, Ill.

It was alleged to be misbranded in that the statements in the labeling " 'Swee-Teen' A pure food invert sugar powder. To save 30% sugar. To make 45% More Sweetening. For Invert Sugar Syrup at 4½¢ per lb. Each lb. Makes 200 lbs. Extra Sweetening. * * * 1 lb. of 'Swee-Teen', 500 lbs. of sugar and 250 lbs. of water make over 720 lbs. of 'Swee-Teen' Invert Sugar Syrup," were false and misleading as applied to an article which was not a sweetening ingredient and would not replace sugar.

On May 27, 1943, M. R. Wetherholt and Lawrence Hedrick, trading as National Food Products, having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

5146. Adulteration of butter. U. S. v. 2,626 Pounds of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into butter oil. (F. D. C. No. 10037. Sample No. 48024-F.)

This product contained mold.

On May 19, 1943, the United States attorney for the Southern District of Ohio filed a libel against 2,626 pounds of butter at Cincinnati, Ohio, which had been consigned on or about May 13, 1943, alleging that the article had been shipped in interstate commerce by the Farmers Producers Ass'n from Crawfordsville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Albers Patsy Ann Brand Creamery Butter Distributed by Albers Super Markets, Inc., Cincinnati, Ohio."

On June 11, 1943, the Farmers Producers Ass'n, having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

5147. Adulteration of butter. U. S. v. 10 Cases and 10 Cases of Butter. Decrees of condemnation. Product ordered released under bond for segregation of the inedible portion and its disposition for non-food purposes. (F. D. C. Nos. 10040, 10042. Sample Nos. 6700-F, 6717-F, 6718-F, 6720-F.)

On May 12, 1943, the United States attorney for the Western District of Tennessee filed libels against a total of 20 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25 and April 1, 1943, by the Central Kansas Cooperative Creamery Association from Hillsboro, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a moldy, cheesy, and rancid substance, rendering it unfit for food.

On June 5, 1943, the Klinke Bros. Dairy, Memphis, Tenn., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for separation of the edible portion from the inedible portion, and disposition of the latter for non-food purposes.

5148. Adulteration of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation. Product ordered converted into inedible grease and disposed of for war purposes. (F. D. C. No. 10041. Sample Nos. 6709-F, 6714-F.)

On May 12, 1943, the United States attorney for the Western District of Tennessee filed a libel against 12 cases, each containing 32 1-pound rolls, of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about April 1, 1943, by the Jerpe Dairy Products Corp. from Fayetteville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a cheesy and putrid substance. The article was