

**5252. Adulteration and misbranding of coffee. U. S. v. The DeWitt-Nash Company. Plea of guilty. Fine, \$200. (F. D. C. No. 10549. Sample No. 38354-F.)**

On September 11, 1943, the United States attorney for the Northern District of Ohio filed an information against the DeWitt-Nash Company, a corporation, at Cleveland, Ohio, alleging shipment on or about March 1, 1943, from the State of Ohio into the State of Illinois of a quantity of coffee that was adulterated and misbranded. The article was labeled in part: "EXTRA CAFE COFFEE."

The article was alleged to be adulterated in that a mixture of coffee and chicory had been substituted in whole or in part for coffee, which the article was represented to be. It was alleged to be misbranded in that the statement "Coffee," displayed upon the bags, was false and misleading in that the statement represented that the article consisted solely of coffee, whereas it did not consist solely of coffee, but consisted of a mixture of coffee and chicory.

On October 21, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**2553. Misbranding of coffee mix. U. S. v. 49 $\frac{3}{4}$  cases of Sarban Mix Coffee Blender. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10054. Sample No. 48066-F.)**

Examination showed this product to consist of roasted barley and a small amount of chicory.

On June 5, 1943, the United States attorney for the Southern District of Ohio filed a libel against 49 $\frac{3}{4}$  cases of an article labeled in part "Sarban Mix Coffee Blender," at Cincinnati, Ohio, which had been consigned on or about March 19, 1943, alleging that the article had been shipped in interstate commerce by the Coffee Corporation of America from Chicago, Ill.; and charging that it was misbranded.

It was alleged to be misbranded in that the statement, "Increases Your Coffee Cuppage," appearing on the package of the article, and the statement, "Coffee Blender," appearing on both the case and package, were misleading as applied to a product consisting of roasted barley and chicory, containing no coffee. It was alleged to be misbranded further in that the following statements appearing on the labeling, (main panels of package) "Now Enriched with Vitamin B<sub>1</sub>" and "Why Vitamin B<sub>1</sub> is important to you . . . Vitamin B<sub>1</sub> \* \* \* is vital to everyone's well-being. It is needed for abundant energy, good appetite, sound steady nerves. \* \* \* and more is desirable to maintain good physical condition. \* \* \* Yet the daily diet in millions of homes does not permit enough Vitamin B<sub>1</sub> because many foods do not contain a sufficient supply of this vital food factor. So, to help you get your needed daily supply, the amount of Vitamin B<sub>1</sub> in this coffee blender has been greatly enriched. \* \* \*," were misleading, since they represented and suggested that the article, when blended with coffee in accordance with the directions on the label and used as a beverage in the amounts daily consumed by the average coffee drinker, would supply a substantial proportion of the minimum daily requirement of vitamin B<sub>1</sub>, whereas, the article, when so used and consumed, would furnish only a small proportion of the minimum daily requirement of vitamin B<sub>1</sub>. It was alleged to be misbranded further in that it purported to be and was represented as a food for special dietary uses by reason of its vitamin B<sub>1</sub> content, and its label failed to bear such information concerning its vitamin property as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of vitamin B<sub>1</sub> contained in a specified quantity of the article which is customarily or usually consumed during a period of 1 day.

On July 22, 1943, the Coffee Corporation of America having appeared as claimant and having admitted the allegation 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 relabeling in conformity with the law under the supervision of the Food and Drug Administration.

**5254. Misbranding of coffee stretcher. U. S. v. 26 Cases of Coffee Stretcher. Default decree of condemnation and destruction. (F. D. C. No. 10167. Sample No. 8067-F.)**

On June 30, 1943, the United States attorney for the District of Minnesota filed a libel against 26 cases of coffee stretcher at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about June 4, 1943, by the National Tea Co. from Chicago, Ill.; and charging that it was misbranded. The