

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, fly heads, and fragments of flies; and, Section 402 (a) (4), the articles had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** January 17, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each of 2 counts, a total of \$200.

**6573. Misbranding of soy sauce. U. S. v. 75 Cases of Soy Sauce. Default decree of condemnation and destruction. (F. D. C. No. 11585. Sample No. 65503-F.)**

**LIBEL FILED:** January 7, 1944, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about May 26, 1943, by the Glaser, Crandell Co., Inc., Chicago, Ill.

**PRODUCT:** 75 cases, each containing 24 bottles, of soy sauce, at Spokane, Wash. The product was shipped unlabeled and there was no written agreement between the shipper and consignee as to labeling it.

**VIOLATIONS CHARGED:** Misbranding (when introduced into interstate commerce), Section 403 (e) (1), the article was a food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients and it failed to bear a label containing the common or usual name of each ingredient.

**DISPOSITION:** February 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6574. Adulteration of Worcestershire style sauce. U. S. v. 47 Cases of Worcestershire Style Sauce (and 1 other seizure action against Worcestershire style sauce). Default decrees of condemnation and destruction. (F. D. C. Nos. 11500, 11686. Sample Nos. 57481-F, 65911-F.)**

**LIBEL FILED:** On or about December 28, 1943, and February 3, 1944, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 27 and November 18, 1943, by Safe Owl Products, Inc., from Brooklyn, N. Y.

**PRODUCT:** 94 cases, each containing 24 5-ounce bottles, of Worcestershire Style Sauce, at Hoboken, N. J.

Examination showed that the product was in an active state of fermentation.

**LABEL, IN PART:** (Bottle wrapper) "American House Worcestershire Style Sauce \* \* \* Distributed by American Grocery Co., Hoboken, New Jersey."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 6, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### MISCELLANEOUS FOODS\*

**6575. Adulteration of Sunshine Coffee Cake Base and Rapi-Do. U. S. v. 26 Bags of Coffee Cake Base and 112 Bags of Rapi-Do. Consent decree of condemnation. Product ordered released under bond for denaturing and use for technical purposes or for animal food. (F. D. C. No. 10950. Sample Nos. 34278-F, 34279-F.)**

**LIBEL FILED:** October 26, 1943, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about April 29 and May 12, 1943, by the Joe Lowe Corp., New York, N. Y.

**PRODUCT:** 26 bags, each containing 140 pounds, of coffee cake base, and 112 bags, each containing 140 pounds, of Rapi-Do at Youngstown, Ohio.

**LABEL, IN PART:** (Tag on bags) "Sunshine Coffee Cake Base," or "Rapi-Do."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, larvae, larva heads or capsules, and insect fragments.

**DISPOSITION:** December 28, 1943. The Hathaway Bakeries, Inc., Youngstown, Ohio, claimant, having admitted the facts in the libel, judgment of condemna-

\*See also No. 6407.

tion was entered and the product was ordered released under bond for denaturing and use for technical purposes or for animal food, under the supervision of the Food and Drug Administration.

**6576. Adulteration of Peptolac and Swanja (baking mixes). U. S. v. David Beyer (Beyer Products Co.). Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 10562. Sample Nos. 22644-F, 23044-F.)**

**INFORMATION FILED:** September 29, 1943, in the Northern District of Ohio, against David Beyer, trading as the Beyer Products Co., Cleveland, Ohio.

**ALLEGED SHIPMENT:** From on or about March 11 to April 3, 1943, from the State of Ohio into the State of Pennsylvania.

**LABEL, IN PART:** "Peptolac For Rye Bread," or "Beyers Swanja For Better Bread."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent hair fragments, hair fragments resembling rodent hairs, insect fragments, and an insect; and Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 25, 1943. A plea of guilty having been entered, a fine of \$200 on each of 2 counts, a total fine of \$400 and costs, was imposed.

**6577. Adulteration of saccharic acid. U. S. v. 25 Barrels and 69 Barrels of Saccharic Acid. Default decrees of condemnation and destruction. (F. D. C. Nos. 10335, 13885. Sample Nos. 13943-F, 14500-F, 38743-F, 39801-F, 74241-F.)**

**LIBELS FILED:** August 3, 1943, and September 30, 1944, Northern District of Illinois and Southern District of California.

**ALLEGED SHIPMENT:** On or about April 21 and May 22, 1943, by the Brocker Chemical Co., from Morganville, N. J.

**PRODUCT:** 25 500-pound barrels of saccharic acid at Los Angeles, Calif., and 69 500-pound barrels at Chicago, Ill.

The article was used as a component in foods.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (1), both lots of the article contained an added poisonous or deleterious substance, oxalic acid, and, in addition, the Chicago lot contained hydrocyanic acid, which might have rendered the article injurious to health; and, Section 402 (a) (3), the Chicago lot consisted in whole or in part of a decomposed substance since the article was undergoing a chemical break-down, developing carbon dioxide and other chemical compounds.

**DISPOSITION:** April 14 and October 28, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**6578. Misbranding of mushroom soup mix. U. S. v. 4 Cases of Mushroom Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 11846. Sample No. 65245-F.)**

**LIBEL FILED:** February 21, 1944, District of Montana.

**ALLEGED SHIPMENT:** On or about August 5, 1943, by R. W. Griswold, from Ashtabula, Ohio.

**PRODUCT:** 4 cases, each containing 12 cartons of 12 1-ounce packages, of mushroom soup mix at Butte, Mont.

**LABEL, IN PART:** (Package) "Griswold's Cream of Mushroom Soup contains mushrooms, derivatives of cereal, and milk."

**VIOLATIONS CHARGED:** Misbranding, Section 402 (a), the name "Cream of Mushroom Soup" was misleading as applied to the mixture, which consisted of corn starch, oat flour, wheat starch, soya bean flour, skim milk powder, and mushroom tissues; and the word "milk" in the statement of ingredients on the package label was misleading as applied to the article, which contained skim milk powder; Section 403 (d), the container was so filled as to be misleading since the soup mix occupied only about 37 percent of the volume of the package; and, Section 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 "Derivatives of cereal" is not the common or usual name for corn starch, oat flour, wheat starch, or soya bean flour.

**DISPOSITION:** January 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.