

6802. Adulteration of brewers' flakes. U. S. v. 400 Bags of Brewers' Flakes. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 13673. Sample No. 68347-F.)

LIBEL FILED: September 13, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 8, 1944, by the General Foods Corporation, Kankakee, Ill.

PRODUCT: 400 80-pound bags of brewers' flakes at Cleveland, Ohio.

LABEL, IN PART: "Post's Brewers Flakes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 23, 1944. The consignor and consignee of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

6803. Adulteration of brewers' flakes. U. S. v. 539 Bags of Brewers' Flakes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13214. Sample No. 68067-F.)

LIBEL FILED: August 10, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 7, 1944, by the Illinois Cereal Mills, Inc., Paris, Ill.

PRODUCT: 539 bags, each containing 55 pounds, of brewers' flakes at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, and rodent hair fragments.

DISPOSITION: August 11, 1944. The Clyffside Brewing Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond to be mixed with other ingredients to make stock feed, under the supervision of the Food and Drug Administration.

6804. Adulteration of green coffee beans. U. S. v. 250 Bags and 237 Bags of Green Coffee Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13482. Sample Nos. 71879-F, 71880-F.)

LIBEL FILED: September 1, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about July 21, 1944, by the W. S. Force Co., from New York, N. Y.

PRODUCT: 487 100-pound bags of green coffee beans at Portland, Oreg.

LABEL, IN PART: "B A P Producto de Venezuela."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils.

DISPOSITION: September 19, 1944. Closset and Devers, Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be fumigated and reconditioned under the supervision of the Federal Security Agency.

6805. Adulteration and misbranding of fountain sirups. U. S. v. 6 Cases of Pineapple Flavored Sirup, 16 Cases of Grape Flavored Sirup, 81 Cases of Strawberry Flavored Sirup, 34 Cases of Vanilla Flavored Sirup, 41 Cases of Cherry Flavored Sirup, and 12 Cases of Raspberry Flavored Sirup. Consent decree of condemnation. Products ordered released under bond to be relabeled. (F. D. C. No. 13040. Sample Nos. 81735-F to 81740-F, incl.)

LIBEL FILED: July 31, 1944, District of New Jersey.

ALLEGED SHIPMENT: From on or about April 4 to 21, 1944, by the New York Syrup Corporation, from Bronx, N. Y.

PRODUCT: 190 cases, each containing 4 1-gallon bottles, of the above-named fountain sirups.

LABEL, IN PART: (Bottles) "Eagle Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (3), (40 cases) inferiority had been concealed by the addition of artificial flavoring, and (150 cases) by the addition of artificial flavoring and coloring; Section 402 (b) (4), artificial flavoring (40 cases), or artificial flavoring and coloring (150 cases), had been added to the articles and mixed therewith so as to make them appear better and of greater value than they were.

Misbranding, Section 403 (a), the label statements (150 cases), "Pineapple Flavored Syrup," "Grape Flavored Syrup," "Strawberry Flavored Syrup,"

"Cherry Flavored Syrup," and "Raspberry Flavored Syrup," were misleading as applied to the articles, which contained artificial flavoring; and (34 case lot) the label statement, "Vanilla Flavored Syrup," was false and misleading as applied to an artificially flavored sirup; Section 403 (b), (all lots) they were offered for sale under the names of other foods; Section 403 (c), (all lots) they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (k), (115 cases) they contained artificial flavoring and they failed to bear labeling stating that fact.

DISPOSITION: September 11, 1944. The New York Syrup Corporation having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6806. Adulteration of grapefruit juice. U. S. v. 179 Cases of Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 13663. Sample No. 79078-F.)

LIBEL FILED: September 12, 1944, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 27, 1944, by the Ridge Growers Cooperative, Inc., Frostproof, Fla.

PRODUCT: Grapefruit juice: 179 cases, each containing 12 cans, at Detroit, Mich.

This product contained maggots, fly eggs, and decomposed fruit material.

LABEL, IN PART: "Ever Sweet Brand Fancy Unsweetened Florida Grapefruit Juice Cont. 1 Qt. 14 Fl. Oz."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES

6807. Adulteration of alimentary paste. U. S. v. Porter-Scarpelli Macaroni Co. Plea of guilty. Fine, \$100. (F. D. C. No. 11430. Sample Nos. 36522-F to 36524-F, incl., 36526-F.)

INFORMATION FILED: On July 7, 1944, in the District of Utah, against the Porter-Scarpelli Macaroni Co., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about December 6, 1943, from the State of Utah into the States of California and Idaho.

LABEL, IN PART: "Porter Wide Fril-Lets [or "Coil Vermicelli," "Elbow Spaghetti," or "Midget Sea Shell"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent-type hairs, insect parts, miscellaneous filth, a hair resembling a cat hair, a worm body part, one seta, and one sugar mite; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 25, 1944. A plea of guilty having been entered, the defendant was fined \$50 on each of 2 counts, a total fine of \$100.

6808. Adulteration of macaroni. U. S. v. 42 Boxes of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 13376. Sample No. 58984-F.)

LIBEL FILED: August 23, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 1 and December 27, 1943, from Cincinnati, Ohio.

PRODUCT: Macaroni: 42 boxes, each containing 20 pounds, at Richmond, Va., in the possession of the W. M. Gary Grocery Co., Inc.

This product had been stored, after shipment, under insanitary conditions. The boxes had been gnawed by rodents, and rodent pellets were observed on the boxes. Examination showed that the product had been contaminated with rodent urine and contained rodent excreta, beetles, and larvae.