

8688. Adulteration of chocolate coating. U. S. v. 8,000 Pounds and 300 Bales of Chocolate Coating. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15231, 15232. Sample Nos. 18534-H, 18536-H, 18537-H.)

LIBELS FILED: February 12, 1945, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of October 22, 1943, and September 8, 1944, by the Klein Chocolate Co., Inc., from Elizabethtown, Pa.

PRODUCT: 300 bales, each containing 200 pounds, of chocolate coating in bars; and 8,000 pounds consisting of about 1,650 pounds melted, 2,000 pounds broken in pieces, 2 broken bags containing about 350 pounds, and 20 bags, each containing 20 10-pound bars, of chocolate coating at Minneapolis, Minn.

LABEL, IN PART: (Portions) "Klein's Kotemor Sweet Choc. [or "Chocolate"] Coating."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, webbing, rodent hairs, rodent-gnawed chocolate, and rodent urine. A portion also consisted of a decomposed substance by reason of the presence of moldy chocolate.

DISPOSITION: June 8, 1945. Powell's Inc., Minneapolis, Minn., claimant, having admitted the material allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law. under the supervision of the Food and Drug Administration.

8689. Misbranding of honey. U. S. v. 97 Jars of Honey. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15377. Sample No. 27412-H.)

LIBEL FILED: February 17, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about October 24, 1944, by W. P. Murphy, from Boise, Idaho.

PRODUCT: 97 jars, each containing 5 pounds, of honey at Portland, Oreg. The product was unlabeled when shipped.

LABEL, IN PART: (Portions) "Net Weight 5# Pure Idaho Alfalfa Clover and Fire Weed Honey," or "5 lb. Honey Amber." The remainder of the article was unlabeled.

NATURE OF CHARGE: Misbranding, Section 403 (e), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: March 19, 1945. The Jersey Milk Co., Inc., 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 relabeled under the supervision of the Food and Drug Administration.

8690. Adulteration and misbranding of sirup. U. S. v. 15 Cases of Syrup. Default decree of condemnation and destruction. (F. D. C. No. 15283. Sample No. 416-H.)

LIBEL FILED: February 15, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about December 14, 1944, by the Reco Sales Co., from New York, N. Y.

PRODUCT: 15 cases, each containing 24 16-fluid-ounce bottles, of sirup at Savannah, Ga.

LABEL, IN PART: (Bottles) "Reco Pancake Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statement, "Pancake Syrup Maple Flavor Made of pure cane sugar sirup," was misleading as applied to a product which consisted of a mixture of sugar, or sugars, and water, containing less sugar than is contained in maple sirup or cane sugar sirup, and which contained no maple sirup or maple flavor but was artificially flavored and colored to

simulate maple sirup; and, Section 403 (k), the product contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: April 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8691. Adulteration and misbranding of sirup. U. S. v. 156 Jugs of Pancake Syrup. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15365. Sample No. 2224-H.)

LIBEL FILED: March 10, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 21, 1944, and January 2, 1945, by the Bev Co., from Hoboken, N. J.

PRODUCT: 156 1-gallon jugs of pancake sirup at Norfolk, Va.

LABEL, IN PART: (Jugs) "North Woods [design of woods] Institutional Size One Gallon Pure Pancake Syrup A 100% pure cane sugar sirup with a perfect imitation maple flavor base of high quality."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Pure Pancake Syrup" and "North Woods," and the design of woods suggestive of the origin of the maple sirup, were misleading as applied to sugar, or sugars, and water which contained less sugar than is contained in cane sugar sirup or a pancake cane sugar sirup, which contained no maple sirup, and which was artificially flavored and colored to simulate maple sirup; and, Section 403 (k), the sirup contained artificial coloring, and it failed to bear labeling stating that fact.

DISPOSITION: April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8692. Adulteration of corn sirup solids. U. S. v. 15 Bags of Fro Dex Corn Syrup Solids. Default decree of condemnation. Product ordered sold. (F. D. C. No. 15458. Sample No. 20158-H.)

LIBEL FILED: March 3, 1945, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about October 13, 1944, by the American Maize Products Co., from Roby, Ind.

PRODUCT: 15 100-pound bags of corn sirup solids at Oklahoma City, Okla.

LABEL, IN PART: "Amaizo Fro Dex Corn Syrup Solids."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as stock feed.

DAIRY PRODUCTS*

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, or both, Nos. 8693 to 8696; that was below the standard for milk fat content, Nos. 8697 to 8703; and that was short of the declared weight, Nos. 8704 to 8707.

8693. Adulteration of butter and Cheddar cheese. U. S. v. 14 Cartons (448 pounds) of Butter and 79 Boxes of Cheddar Cheese. Consent decree of condemnation. Products ordered sold to be rendered into nonedible fats. (F. D. C. No. 15305. Sample Nos. 5653-H, 5655-H.)

LIBEL FILED: February 26, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about January 24, 1945, by the Hygrade Food Products Corporation, from Manchester, Iowa.

PRODUCT: 14 cartons, each containing 32 1-pound prints, of butter and 79 boxes of Cheddar cheese at New York, N. Y. Examination showed that both products contained insect fragments and manure particles and that, in addition, the cheese contained rodent hairs.

*See also No. 8793.