

10692. Misbranding of India Chutney. U. S. v. 60 Cases * * *. (F. D. C. No. 18161. Sample Nos. 7875-H, 7878-H.)

LIBEL FILED: October 16, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 31, 1945, by the Tropical Cone Co., Miami, Fla.

PRODUCT: 60 cases, each containing 24 jars, of India Chutney at New York, N. Y.

LABEL, IN PART: "London Tower India Chutney 1 lb. Sunaid Food Products Miami, Florida * * * Vegetable and Protein Extracts."

NATURE OF CHARGE: Misbranding, Section 402 (a), the label designations "India Chutney" and "London Tower" were misleading since they created the impression that the article was of foreign origin, whereas it was of domestic origin; Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the package contained less than the declared weight; Section 403 (f), the statement of the ingredients which the law requires to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, and designs in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information appeared on a side panel of the jar wrapper; and, Section 403 (i) (2), the article was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since the label statement "Vegetable and Protein Extracts" is not the common or usual name of any ingredient.

DISPOSITION: November 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

MISCELLANEOUS FOODS

10693. Adulteration and misbranding of green color. U. S. v. Briganti Extract Co., Inc., and Michael Briganti. Pleas of guilty. Fine of \$1,000 against corporate defendant; sentence of individual defendant was suspended, and he was placed on probation for 1 year. (F. D. C. No. 17821. Sample No. 6447-H.)

INFORMATION FILED: March 21, 1946, Eastern District of New York, against the Briganti Extract Co., Inc., a corporation, Brooklyn, N. Y., and Michael Briganti, president and treasurer.

ALLEGED SHIPMENT: On or about October 6, 1944, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Green Color—Oil Soluble Harmless For Technical Use."

NATURE OF CHARGE: Adulteration, Section 402 (c), the article contained coal-tar colors, D&C Green No. 6 and an orange-red coloring matter, which have not been listed for use in foods in accordance with the regulations, and they were others than ones from batches that had been certified.

Misbranding, Section 403 (a), the label statement "For Technical Use" was misleading since the article was not for technical use but was offered for use as food; and, Section 403 (i) (2), the article was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 2, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$500 on each count against the corporation, a total fine of \$1,000. Imposition of sentence was suspended with respect to the individual defendant, and he was placed on probation for a period of 1 year.

10694. Adulteration of fruit cake mix. U. S. v. 57 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 18489, 18785. Sample Nos. 14579-H, 50634-H.)

LIBELS FILED: November 23, 1945, and January 4, 1946, Western District of Kentucky and District of Minnesota.

ALLEGED SHIPMENT: On or about August 5 and November 1, 1945, by Charles P. Wagner and Brother, New Orleans, La.

PRODUCT: 57 cases, each containing 12 1¼-pound jars, of fruit cake mix at Louisville, Ky., and 11 50-pound pails of fruit cake mix at Minneapolis, Minn.

LABEL, IN PART: "Helen Ann * * * Holly-Day Fruit Cake Mix."