

LABEL, IN PART: "Vermont Maple Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored sugar sirup containing little, if any, maple sirup had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup" was false and misleading; Section 403 (e), the label of the article failed to contain the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of the ingredients; and, Section 403 (k), the article contained artificial flavoring and artificial coloring and failed to bear a label stating that fact.

DISPOSITION: March 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the labeling had been defaced or removed.

12045. Adulteration and misbranding of maple sirup. U. S. v. 18 Jugs * * *
(F. D. C. No. 22196. Sample No. 76078-H.)

LIBEL FILED: January 22, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about April 18, 1946, by H. Axt, from Newark, N. J.

PRODUCT: 18 1-quart jugs of maple sirup at New York, N. Y.

LABEL, IN PART: "Vermont Maple Syrup Pure."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), artificially flavored corn and sugar sirup containing little, if any, maple sirup had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the article 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; Section 403 (i) (2), it was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient; and, Section 403 (a), it contained artificial flavoring and a chemical preservative and failed to bear labeling stating those facts.

DISPOSITION: March 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the labeling had been defaced or removed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 12046 to 12049; that was below the legal standard for milk fat content, Nos. 12050 to 12060; and that was short of the declared weight, Nos. 12059 to 12062.

12046. Adulteration of butter. U. S. v. 15 Tubs * * * (and 1 other seizure action). (F. D. C. Nos. 22671, 22765. Sample Nos. 40074-H, 40080-H, 50595-H.)

LIBELS FILED: January 27 and February 19, 1947, Eastern District of Illinois and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 27, 1946, and February 8, 1947, by the Sugar Creek Creamery Co., from St. Louis, Mo., and Russellville, Ark.

PRODUCT: 15 tubs, each containing 66 pounds, of butter at National Stock Yards, Ill., and 104 cases, each containing 32 1-pound cartons, of butter at New Orleans, La. Examination showed that the product contained mold mycelia.

LABEL, IN PART: "Butter Distributed by Sugar Creek Creamery Company Danville, Illinois," or "Clear Brook Creamery Butter Distributed by Wilson & Co., General Offices, Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

DISPOSITION: February 26 and March 25, 1947. The Sugar Creek Creamery Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be converted into butter oil, under the supervision of the Federal Security Agency.

12047. Adulteration of butter. U. S. v. 10 Cases * * *. (F. D. C. No. 22128. Sample No. 57492-H.)

LIBEL FILED: On or about November 25, 1946, District of Vermont.

ALLEGED SHIPMENT: On or about November 13, 1946, by Breakstone Brothers, from New York, N. Y.

PRODUCT: 10 cases, each containing 32 1-pound prints, of butter at Burlington, Vt. Examination showed that the product contained mold and that it was rancid.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, and decomposed substance.

DISPOSITION: March 11, 1947. Default decree of forfeiture and destruction.

12048. Adulteration of butter. U. S. v. 1,404 Cases * * *. (F. D. C. No. 22127. Sample No. 56562-H.)

LIBEL FILED: September 3, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about July 31, 1946, by the Pruitt Produce Co., from Ardmore, Okla.

PRODUCT: 1,404 32-pound cases of butter at Ardmore, Okla. The product was found to contain mold.

LABEL, IN PART: "Pruitt's Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: December 5, 1946. The Pruitt Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be separated from the unfit and that both portions be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. That portion of the product containing mold was converted into butter oil.

12049. Adulteration of process butter. U. S. v. 12 Cases * * *. (F. D. C. No. 22123. Sample No. 49239-H.)

LIBEL FILED: October 16, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: September 30, 1946, by the Rosemary Creamery, Inc., from Atlanta, Ga.

PRODUCT: 12 30-pound cases of process butter at New Orleans, La. Analysis showed that the product contained insects, insect parts, insect excreta, rodent hair fragments, and feather fragments.

LABEL, IN PART: "Process Butter Roseleaf Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: January 31, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12050. Adulteration of butter. U. S. v. Green Mountain Dairy Products, Inc. Plea of guilty; fine, \$400. (F. D. C. No. 22101. Sample Nos. 57474-H, 57475-H.)

INFORMATION FILED: June 18, 1947, District of Vermont, against the Green Mountain Dairy Products, Inc., Burlington, Vt.

ALLEGED SHIPMENT: On or about September 5 and 9, 1946, from the State of Vermont into the State of Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.