

21553. Adulteration of soluble coffee sweepings. U. S. v. 6 Drums * * *.
(F. D. C. No. 36534. Sample No. 52943-L.)

LIBEL FILED: April 27, 1954, Eastern District of New York.

ALLEGED SHIPMENT: On or about April 5, 1954, by American Home Foods, Inc., from Morris Plains, N. J.

PRODUCT: 6 drums containing a total of 325 pounds of soluble coffee sweepings at Brooklyn, N. Y.

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 wood splinters, tape, wax paper, plaster, brush fibers, paint, and match sticks.

DISPOSITION: June 16, 1954. Default decree of condemnation and destruction.

CANDY

21554. Adulteration of candy. U. S. v. 20 Cartons * * *. (F. D. C. No. 36780.
Sample No. 79325-L.)

LIBEL FILED: July 6, 1954, Southern District of Ohio.

ALLEGED SHIPMENT: Sometime during 1949 or 1950, from Reading, Pa.

PRODUCT: 20 30-pound cartons of candy at Mount Vernon, Ohio, in possession of the Kelsner-Dowds Co.

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 insect parts and rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 12, 1954. Default decree of destruction.

21555. Adulteration of candy. U. S. v. 156 Boxes * * *. (F. D. C. No. 36464.
Sample No. 62799-L.)

LIBEL FILED: April 5, 1954, Western District of Tennessee.

ALLEGED SHIPMENT: On or about January 18, 1954, by Ucanco Candy Co., Inc., from Greensboro, N. C.

PRODUCT: Candy. 156 boxes, each containing 40 candy bars, at Memphis, Tenn.

LABEL, IN PART: (Bar) "5¢ Toastie Nt. Wt. 1 Oz. Ucanco Candy Co. Davenport, Iowa."

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 insects and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 5, 1954. Default decree of condemnation. The court ordered that the product be delivered to a county institution, for use as animal feed.

21556. Adulteration and misbranding of candy. U. S. v. 43 Cases, etc. (F. D. C. No. 36398. Sample No. 52242-L.)

LIBEL FILED: On or about March 1, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about January 6 and 19, 1954, by Wilbur-Suchard Chocolate Co., Inc., from Lititz, Pa.

PRODUCT: Candy. 43 cases, each containing 100 candy bars, and 37 cases, each case containing 18 display cartons and each display carton containing 24 candy bars, at New York, N. Y.

LABEL, IN PART: (Bar) "Less Fattening Dietetic Sweet 'n Low Chocolate Candy Bar Lower In Calories Net Wt. 1 Oz.: * * * Ingredients: Sugar, Cocoa Butter, Purified Edible Cellulose, Chocolate Liquor, Crisped Rice, Whole Milk, Lecithin (Vegetable Emulsifier), Vanillin * * * It's Less Fattening Because It's Low In Calories."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, cellulose.

Misbranding, Section 403 (a), the label statements "Less Fattening * * * Sweet 'n Low * * * Lower in Calories * * * It's Less Fattening Because It's Low In Calories" were false and misleading as applied to a chocolate candy bar which did not have materially less calories than other chocolate candy bars on the market; Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its use as a means of regulating the intake of calories for the purpose of controlling body weight, and its label failed to bear, as required by the regulations, a statement of the number of available calories supplied by a specified quantity of the article; and, Section 403 (k), the article contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: May 11, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

CEREALS AND CEREAL PRODUCTS

CORNMEAL

21557. Adulteration of cornmeal and flour. U. S. v. 329 Bags, etc. (F. D. C. No. 36462. Sample Nos. 59872-L, 59873-L.)

LIBEL FILED: March 23, 1954, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 11 and 15 and November 5, 1953, from St. Joseph, Mo., and Chattanooga, Tenn.

PRODUCT: 329 25-pound bags of cornmeal and 8 50-pound bags of flour at Hickory, N. C., in possession of the Thomas & Howard Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 23, 1954. Thomas & Howard Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for denaturing for use other than for human consumption, under the supervision of the Department of Health, Education, and Welfare.

21558. Adulteration of cornmeal and noodles. U. S. v. 4 Cases, etc. (F. D. C. No. 36447. Sample Nos. 44022-L, 44030-L.)

LIBEL FILED: March 31, 1954, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about October 23 and December 30, 1952, and November 30, 1953, from St. Joseph, Mo.

PRODUCT: 4 cases, each containing 5 10-pound bags, of cornmeal, and 5 cases, each containing 24 4-ounce boxes, of egg noodles at Krebs, Okla.