

35 boxes of candy at Brooklyn, N. Y., 22 cartons of candy at New Haven, Conn., and 91 boxes of candy at Hartford, Conn., alleging that the articles had been shipped in interstate commerce within the period from on or about January 25 to February 1, 1943, by Chocolat-Menier from Hoboken, N. J.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. One lot of candy was also misbranded. The articles were labeled in part: "Maple Cream Walnut," "Peanut Clusters," "Plantation," "Sour Orange," "Vanilla Creams," "Chips," "Sweet Chocolate."

Portions of the candy labeled in part "Sour Orange" were alleged to be misbranded in that they contained artificial coloring and failed to bear labeling stating that fact.

Between March 8 and April 29, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

CHOCOLATE PRODUCTS

4751. Adulteration and misbranding of chocolate topping and icing substitute. U. S. v. 20 Cases of Chocolate Fudge Topping & Icing Substitute. Default decree of condemnation and destruction. (F. D. C. No. 9462. Sample No. 20173-F.)

This product was moldy. Its labeling failed to declare that it contained artificial flavoring.

On March 2, 1943, the United States attorney for the District of Rhode Island filed a libel against 20 cases of the above-named product at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 7, 1943, by the Royale Popcorn Co., Inc. from Cleveland, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "Robinson's Fine Chocolate Fudge Topping & Icing Substitute * * * Vanalin for flavor * * * Manufactured by J. B. Robinson * * * Cleveland, Ohio."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. It was alleged to be misbranded in that it contained an artificial flavoring, (vanillin), and its labeling failed to state that fact.

On April 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4752. Adulteration of chocolate sirup substitute. U. S. v. 21 Cases of Chocolate Sirup Substitute. Default decree of condemnation and destruction. (F. D. C. No. 10255. Sample No. 33675-F.)

Examination showed that this article was decomposed.

On July 14, 1943, the United States attorney for the Western District of New York filed a libel against 21 cases, each containing 24 jars, of chocolate sirup substitute at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about May 13, 1943, by the Royale Popcorn Co., Cleveland, Ohio, and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jar) "Robinson's Sweet Chocolate Sirup Substitute * * * Packed by J. B. Robinson * * * Cleveland, Ohio."

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4753. Misbranding of cocoa substitute. U. S. v. 2 Cases of Cocoa Substitute. Default decree of condemnation and destruction. (F. D. C. No. 9470. Sample. No. 31934-F.)

This product contained no roasted soya beans or maltose, as declared on the label, but did consist largely of pea flour with smaller amounts of cocoa powder. Its labeling failed to state that it contained artificial flavoring.

On March 5, 1943, the United States attorney for the Southern District of Indiana filed a libel against 2 cases, each containing 24 1-pound packages, of cocoa substitute at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about January 14, 1943, by the Royale Popcorn Co., Inc., from Cleveland, Ohio, and charging that it was misbranded. The article was labeled in part: (Pkgs.) "Robinson's Fine Breakfast Cocoa Substitute * * * Fresh Selected Roasted Soya Beans, Blended with Maltose * * * Vanillin for Flavor * * * Packed by J. B. Robinson * * * Cleveland, O."

The article was alleged to be misbranded in that the statements "Fresh Selected Soy Beans, Roasted and Pulverized, Blended with Maltose," and "Fresh Selected Roasted Soya Beans, Blended with Maltose" appearing on the labeling were false and misleading as applied to an article which contained neither of these ingredients. It was alleged to be misbranded further in that it contained an artificial flavoring, (vanillin), and its labeling failed to state that fact.

On April 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

4754. Adulteration of butter. U. S. v. Chesapeake Dairy Products Co., Inc. Plea of nolo contendere. Sentence suspended for a period of 2 years. (F. D. C. No. 8739. Sample No. 22517-F.)

This product was made from moldy cream, and was deficient in milk fat.

On December 14, 1942, the United States attorney for the Eastern District of Virginia filed an information against the Chesapeake Dairy Products Co., Inc., at Mathews, Va., alleging shipment on or about July 27, 1942, from the State of Virginia into the State of Pennsylvania of a quantity of butter that was adulterated (1) in that it consisted in whole or in part of a filthy and decomposed substance; (2) in that a valuable constituent, milk fat, had been in part omitted therefrom; and (3) in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 25, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court suspended sentence for a period of 2 years conditioned upon the defendant's complying with the law and the regulations.

4755. Adulteration of butter. U. S. v. Northwestern Distributing Co. Plea of guilty. Fine, \$150. (F. D. C. No. 8807. Sample Nos. 88012-E, 15586-F to 15588-F, incl.)

This product contained animal hairs, insects and insect parts, vegetable fibers, feather barbules, and nondescript dirt.

On April 23, 1943, the United States attorney for the District of Montana filed an information against the Northwestern Distributing Co., a corporation, at Billings, Mont., alleging shipment on or about June 10 and August 19, 1942, from the State of Montana into the State of Wyoming of a quantity of butter that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Sawyer's Fine Quality Butter Manufactured for Sawyer Stores Billings, Montana," or "Western King Pasteurized Creamery Butter," "Fancy Creamery Butter."

On May 4, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

4756. Adulteration and misbranding of butter. U. S. v. 69 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be processed into inedible grease. (F. D. C. No. 8578. Sample No. 14901-F.)

This product contained rodent hairs and insect fragments, and was short weight.

On September 21, 1942, the United States attorney for the Southern District of California filed a libel against 69 cases, each containing 30 pounds, of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 8, 1942, by the Lubbock Poultry & Egg, from Lubbock, Texas, and charging that it was adulterated and misbranded. The article was labeled in part: (Case) "30-Lb. Cartons Lake View Creamery Butter Wilson & Co.," (print) "Lake View Creamery Butter 2 Second Quality 2." The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance and was otherwise unfit for food. It was alleged to be misbranded in that the prints did not contain 1 pound net as labeled.

On April 1, 1943, Wilson & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be processed into inedible grease, under the supervision of the Food and Drug Administration.