

5102. Adulteration and misbranding of coffee. U. S. v. Douglas Coffee Co., Inc. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 9635. Sample No. 3142-F.)

On May 18, 1943, the United States attorney for the District of Nebraska filed an information against the Douglas Coffee Co., Inc., at Omaha, Nebr., alleging shipment on or about November 30, 1942, from the State of Nebraska into the State of Iowa of a quantity of coffee that was adulterated and misbranded. The article was labeled in part: "Douglas Special Urn Blend Fresh Roasted Coffee."

The article was alleged to be adulterated in that a mixture of coffee, chick-peas, wheat, and chicory had been substituted in whole or in part for coffee, and in that chick-peas, wheat, and chicory had been mixed with the article so as to reduce its quality.

It was alleged to be misbranded in that the statement "Coffee," borne on the bags, was false and misleading, and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On June 11, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

5103. Adulteration and misbranding of coffee substitute. U. S. v. 94 Bags of Coffee Substitute. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9911. Sample No. 41378-F.)

On May 8, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 94 bags of coffee substitute at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 26, 1943, by E. B. Muller & Co. from Port Huron, Mich.; and charging that it was adulterated and misbranded. The article was labeled in part: "Muller's Cereal Coffee Substitute Rye-Wheat Midds and Chicory Cereal."

It was alleged to be adulterated in that roasted, ground cereal by-products, probably wheat or rye, had been substituted for rye, wheat middlings and chicory, which the article purported and was represented to be. It was alleged to be misbranded in that the statement, "Coffee Substitute Rye-Wheat Midds and Chicory," was false and misleading as applied to an article containing no chicory and having none of the characteristic flavor of coffee.

On July 13, 1943, E. B. Muller & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5104. Misbranding of coffee substitute. U. S. v. 25 Cases of an article labeled in part "Kofa Brand Coffee Substitute." Default decree of condemnation and destruction. (F. D. C. No. 9771. Sample No. 31941-F.)

Examination showed the product consisted of ground, roasted chick-peas.

On April 10, 1943, the United States attorney for the Southern District of Indiana filed a libel against 25 cases, each containing 32 bags, of an article labeled in part, "Kofa Brand Coffee Substitute, or Blend to Taste Pure Mexican Garbanzos," at Indianapolis, Ind., alleging that the article has been shipped in interstate commerce on or about February 20, 1943, by the New Iberia Cereal Co. from New Iberia, La.; and charging that it was misbranded in that its label failed to bear the common or usual name of the ingredients, and in that the designation "Coffee Substitute" was false and misleading since the article, when prepared as a beverage, would have none of the characteristics of coffee.

On May 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5105. Misbranding of coffee filler. U. S. v. 264 Cases of Coffee Filler. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9928. Sample No. 8965-F.)

Examination showed the product to consist entirely of ground, roasted rye.

On May 13, 1943, the United States attorney for the Southern District of Texas filed a libel against 264 cases of coffee filler at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 8, 1943, by the B & B Packing Co., from New Iberia, La.; and charging that it was misbranded. The article was labeled in part: "LuZanna Mammy Brand Coffee Filler. A Rye Cereal Deliciously Roasted Mix = 50-50 with Pure Coffee."

The article was alleged to be misbranded in that the statement: "Mix=50-50 with Pure Coffee," appearing on the label, was misleading since such statement suggested that the article was a mixture of rye and coffee.

On July 17, 1943, Jules Barre, sole owner of the B & B Packing Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5106. Misbranding of coffee filler. U. S. v. 160 Cases of Coffee Filler. Default decree of condemnation and destruction. (F. D. C. No. 10008. Sample No. 3280-F.)

This product consisted of roasted rye with small amounts of barley and wheat, and was labeled to indicate that by mixing it with equal parts of coffee it would double the coffee ration. The statement of ingredients was inconspicuously placed on the label.

On or about May 28, 1943, the United States attorney for the Western District of Missouri filed a libel against 160 cases of an article labeled in part "Coffee Filler" at St. Joseph, Mo., which had been consigned on or about March 12, 1943, alleging that the article had been shipped in interstate commerce by the Mixit Cereal Coffee Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Mixit Coffee Filler (design) Doubles Coffee Ration! * * * Contains Specially Processed, Carefully Roasted Rye, Barley and Wheat."

The article was alleged to be misbranded (1) in that the statement "Doubles Coffee Ration" was false and misleading since it was untrue; (2) in that the name "Coffee Filler" was false and misleading as applied to an article containing no coffee; (3) in that the design bearing the word "Equals" in the center, with one cup of steaming liquid to the left and two cups of steaming liquid to the right, was false and misleading since one cup of coffee does not equal two cups of a mixture of coffee and the article; and (4) in that the statement of ingredients was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase.

On June 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5107. Misbranding of Coffee-Aid. U. S. v. 525 Bags of Coffee-Aid. Default decree of condemnation and destruction. (F. D. C. No. 9930. Sample No. 8749-F.)

On May 13, 1943, the United States attorney for the District of Minnesota filed a libel against 525 bags of Coffee-Aid at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about April 9, 1943, by M. H. Jacobs from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Coffee-Aid * * * Packed by Century Products Chicago, Ill."

The article was alleged to be misbranded in that the statement "Coffee-Aid Makes Coffee Go Twice as Far," borne on the label was false and misleading as applied to an article containing no coffee, and in that its label failed to bear the common or usual name of the food, ground, roasted barley.

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5108. Misbranding of Post's Cera-Co. U. S. v. 1,100 Cases of Post's Cera-Co. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9946. Sample No. 30991-F.)

On May 24, 1943, the United States attorney for the Western District of Washington filed a libel against 1,100 cases, each containing 36 bags, of Post's Cera-Co at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about March 8 to May 11, 1943, by the Post Quality Foods Co. from San Francisco and Los Angeles, Calif.; and charging that it was misbranded.

It was alleged to be misbranded (1) in that the statement on the bag, "A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory," was misleading as applied to a mixture containing little of no coffee extract; (2) in that the statement in the circular "To make Coffee go farther" was misleading as applied to a product having none of the characteristic properties of coffee; (3) in that the statements in the circular, "The combined use of Vitamins B-1 and Niacin is extremely beneficial to persons troubled with pellagra, allergies, nervousness, nutritional deficiency, sclerosis, diabetes, general weakness, poor appetite, gastric and intestinal disturbances, decreased peristalsis (peristalsis), and poor lactation * * * thus greatly benefits your health and vitality," were false and mis-