

On May 14, 1943, the Industrial Sales Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration. Subsequently the product was destroyed by the claimant.

5410. Misbranding of coffee substitute. U. S. v. 25 Cases and 6 Free Samples of Coffee Substitute. Default decree of condemnation and destruction. (F. D. C. No. 10129. Sample No. 30798-F.)

On July 2, 1943, the United States attorney for the Western District of Washington filed a libel against 25 cases and 6 small, free samples of coffee substitute at Seattle, Wash., alleging that the article had been shipped from Salt Lake City, Utah, on or about May 28, 1943, by the Market Wholesale Grocery Co.; and charging that it was misbranded. The article was labeled in part: (Packages) "Maid-O-Barley Coffee Substitute * * * Prepared by National Tea Importing Co. Salt Lake City—Utah," or (sample bags) "Free Sample Maid-O-Barley Brand Coffee Substitute."

The article was alleged to be misbranded in that the statements appearing on the packages, "Coffee Substitute—That Coffee Like Taste," and appearing on the sample bags, "Coffee Substitute Rich in Minerals and Vitamins—A True Vitality Beverage * * * invigorating," were false and misleading as applied to roasted barley which contains no caffeine, has none of the characteristics or stimulating effects of coffee, and would not contribute, as consumed, significant amounts of minerals and vitamins to the diet; and in that the common or usual name of the article, roasted barley, required by law to appear on the label, was not prominently placed thereon 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 and use.

On November 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5411. Misbranding of Finesscovee. U. S. v. 4 Cases of Finesscovee. Default decree of condemnation and destruction. (F. D. C. No. 10244. Sample No. 11323-F.)

On July 16, 1943, the United States attorney for the Northern District of California filed a libel against 4 cases, each containing 12 jars, of Finesscovee at Oakland, Calif., alleging that the article had been shipped in interstate commerce from Cleveland, Ohio, on or about May 19, 1943, by J. B. Robinson; and charging that it was misbranded. The article was labeled in part: (Jars, main panel) "Instant Finesscovee A Fine Pulverized Covee Combined with Dextrose, Maltose, Powdered Dry Milk, Solids from Fresh Wholesome Milk * * * Including Fresh Roasted Maltose, Pulverized Barley, Soy Beans, Cereals, Dextrose * * * The Finest Covee Compound," and (side panel) "Finesscovee is Made From Fresh Roasted Barley, Milk Solids, Chicory and Fresh Selected Soya Beans."

The article was alleged to be misbranded in that the name "Finesscovee" and the statement "Finest Covee Compound" were misleading since they were obviously a play on the words "finest coffee," and implied that coffee was present. It was alleged to be misbranded further in that the manner of declaring the ingredients on the main panel of the label was repetitious and confusing and therefore not in such terms as to render it likely to be understood by ordinary individuals, since it gave the impression that it consisted of more ingredients than was actually the case; and in that the words "Soy Beans" and "Soya Beans" in the ingredient statements on the main and side panels, respectively, were false and misleading since the article contained no soy beans.

On November 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5412. Misbranding of grape juice drink. U. S. v. 17 Cases, 35 Cases, and 29 Cases of a Grape Juice Drink. Default decrees of condemnation. Product ordered distributed to charitable institutions. (F. D. C. Nos. 10357, 10404. Sample Nos. 45006-F, 46171-F, 46172-F.)

On or about August 3 and 16, 1943, the United States attorneys for the District of Columbia and the District of Connecticut filed libels against 35 cases, each containing 12 quarts, and 29 cases, each containing 24 pints, of grape juice drink at Washington, D. C., and 17 cases, each containing 12 quarts, of grape juice