

and in that they were in package form and failed to bear labels containing an accurate statement of the quantity of the contents.

On July 22, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a welfare organization.

5448. Misbranding of candy. U. S. v. 849 Cases of Candy. Decree of condemnation. Product ordered released under bond to be made to conform with the law. (F. D. C. No. 10462. Sample No. 11547-F.)

The cartons contained 5 pieces of taffy wrapped in waxed paper with twisted ends. They were 4 inches tall and the average headspace measured $1\frac{9}{16}$ inches.

On August 25, 1943, the United States attorney for the Northern District of California filed a libel against 849 cases, each containing 120 cartons, of candy at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 14, 1943, by the United Cigar-Whelan Stores Corporation, from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so filled as to be misleading since the candy occupied only about 62 percent of the volume of the carton. It was labeled in part: (Cartons) "Long Chews * * * manufactured by Fralinger's Atlantic City, N. J."

On October 21, 1943, the United Cigar-Whelan Stores Corporation, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be made to conform with the law under the supervision of the Food and Drug Administration.

5449. Misbranding of cocoa confection. U. S. v. 3,607 Cases of a Confection labeled in part: "El Pais." Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10687. Sample No. 39364-F.)

This product was short weight.

On September 4, 1943, the United States attorney for the Southern District of California filed a libel against 3,607 cases, each containing 50 bars, of a cocoa confection at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 20 and 28, 1943, by Westfeldt Brothers, from New Orleans, La.; and charging that it was misbranded. The article was labeled in part: (Bar) "El Pais Net Weight $6\frac{1}{4}$ Oz. Cocoa Confection * * * Packed by 'La Ambrosia Industrial' S. A. Havana Cuba."

The article was alleged to be misbranded in that the statement "Net Weight $6\frac{1}{4}$ Oz." was false and misleading as applied to an article that was short weight; and in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On September 27, 1943, the Safeway Stores, Inc., of Los Angeles, Calif., 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.

MISCELLANEOUS

5450. Adulteration of chocolate paste. U. S. v. 250 Bags of Chocolate Paste. Decree of condemnation. Product destroyed. (F. D. C. No. 10501. Sample No. 33680-F.)

On August 25, 1943, the United States attorney for the Western District of New York filed a libel against 250 bags of chocolate paste at Buffalo, N. Y., alleging that the article had been shipped on or about June 25, 1943, by the Warfield Company, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of larvae, insect fragments, and insect excreta.

On October 21, 1943, judgment of condemnation was entered and thereafter the product was destroyed.

5451. Misbranding of honey. U. S. v. 8 Cases of Honey. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 10512. Sample No. 34557-F.)

This product was short weight and contained undeclared artificial flavoring.

On August 28, 1943, the United States attorney for the Southern District of Florida filed a libel against 8 cases, each containing 24 jars, of honey at Jacksonville, Fla., alleging that the article had been shipped on or about May 21, 1943, by the Tavern Fruit Juice Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: (Jars) "Rexley Brand' Pure

Raspberry Flavored Honey Net Weight 1 Lb. * * * Pure Honey—Flavored with Concentrated Raspberry Juice Natural Color—Natural Flavor.”

It was alleged to be misbranded (1) in that the statements “Pure Raspberry * * * Flavored with Concentrated Raspberry Juices * * * Natural Flavor” were false and misleading as applied to an article containing artificial flavoring, (2) the statement “Net Weight 1 Lb.” was false and misleading as applied to an article that was short weight, (3) it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and (4) it contained artificial flavoring and failed to bear labeling stating that fact.

On October 23, 1943, no claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a charitable institution on condition that it should not be sold.

5452. Adulteration of molasses residuum. U. S. v. 400 Cases of an article labeled, in part, “Simulated HS-GAS.” Default decree of condemnation and destruction. (F. D. C. No. 10049. Sample No. 33479-F.)

This product was diluted molasses residuum, obtained after alcoholic fermentation, containing 0.4 percent of cresol. It was sold as molasses. The cans were labeled “1 Gal. Simulated HS-GAS.”

On June 4, 1943, the United States attorney for the Southern District of New York filed a libel against 400 cases of molasses residuum at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 19, 1943, by B. Pierce & Co., Inc., from Baltimore, Md.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, cresol, which might have rendered it injurious to health; and in that diluted molasses residuum containing cresol had been substituted in whole or in part for molasses, which the article was represented to be.

On June 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5453. Misbranding of powdered sugar. U. S. v. 96 Cartons of Powdered Sugar. Default decree of condemnation. Product ordered delivered to welfare organizations. (F. D. C. No. 10141. Sample No. 48325-F.)

This product was short weight.

On June 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 96 cartons, each containing 24 packages, of powdered sugar at Cincinnati, Ohio, which had been consigned on or about March 19 and April 3, 1943, alleging that the article had been shipped in interstate commerce by the National Sugar Refining Co. from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: (Packages) “Jack Frost Extra-Fine Powdered Sugar * * * 1 Pound Net.”

It was alleged to be misbranded in that the statement “1 Pound Net” was false and misleading as applied to an article that was short weight, and in that it was in a package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On July 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to welfare organizations.

DAIRY PRODUCTS

BUTTER

5454. Adulteration of butter. U. S. v. 57 Pounds of Butter. Default decree of condemnation. Product ordered sold. (F. D. C. 10238. Sample No. 32093-F.)

Analysis showed that this product contained mold.

On June 16, 1943, the United States attorney for the Western District of Kentucky filed a libel against 57 pounds of butter at Henderson, Ky., alleging that the article had been shipped on or about June 7, 1943, by the Ideal Pure Milk Co., from Evansville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance. The article was labeled in part: (Parchment wrapper) “Ideal Brand Butter * * * Fancy Table Quality.”

On November 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be mixed with other inedible grease.