

5837. Adulteration of cocoa substitute. U. S. v. 20 Cases and 44 Cases of Cocoa Substitute. Default decrees of condemnation and destruction. (F. D. C. Nos. 10910, 11709. Sample Nos. 12566-F, 43195-F.)

LIBELS FILED: October 9, 1943, Eastern District of Washington; and January 26, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about June 11 and July 17, 1943, from Cleveland, Ohio, by J. B. Robinson.

PRODUCT: 20 cases of cocoa substitute at Yakima, Wash., and 44 cases of cocoa substitute at San Francisco, Calif.

LABEL, IN PART: "Robinson's Fine Breakfast Cocoa Substitute."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence (portion at Yakima) of insect and worm fragments and rodent hairs, and (portion at San Francisco) insect fragments and fragments resembling rodent hairs.

DISPOSITION: December 1, 1943, and May 20, 1944. No claimant having appeared, decrees of condemnation were entered and the product was ordered destroyed.

5838. Adulteration and misbranding of "Malacocoa." U. S. v. 7 Bags of Natural Malacocoa. Decree of condemnation. Product ordered sold for use as animal feed. (F. D. C. No. 10792. Sample No. 52919-F.)

LABEL FILED: September 17, 1943, District of Maryland.

ALLEGED SHIPMENT: On or about August 2, 1943, by Mallet and Co., Pittsburgh, Pa.

PRODUCT: 7 bags, each containing 100 pounds, of Natural Malacocoa at Baltimore, Md.

LABEL, IN PART: (Back of tag) "Natural Malacocoa Directions: Use up to 50% to replace Cocoa for all regular Cocoa uses."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), roasted cottonseed flour had been substituted in whole or in part for cocoa, which the article was represented to be.

Misbranding, Section 403 (a), the statement "Malacocoa" was false and misleading since it implied that the article was or contained cocoa; and, Section 403 (b), it was offered for sale under the name of another food, cocoa, since it was invoiced as "Mallo Cocoa."

DISPOSITION: November 3, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as animal feed.

5839. Adulteration of honey. U. S. v. 49 Barrels of Honey. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10863. Sample No. 46124-F.)

LABEL FILED: October 1, 1943, District of Maryland.

ALLEGED SHIPMENT: On or about September 16, 1943, by M. Golodetz & Co., Norfolk, Va.

PRODUCT: 49 barrels of honey at Baltimore, Md.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hair fragments, bee fragments, and bee excreta.

DISPOSITION: October 7, 1943. M. Golodetz & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be disposed of in violation of the law. The unfit portion was segregated and used for non-food purposes.

5840. Adulteration of sugar. U. S. v. 272 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for remanufacturing or re-refining. (F. D. C. No. 10851. Sample No. 25669-F.)

LABEL FILED: October 15, 1943, Southern District of Alabama.

ALLEGED SHIPMENT: On or about October 21, 1942, from New Orleans, La.

PRODUCT: 272 bags of sugar at Selma, Ala., in possession of the Selma Manufacturing Co.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, rodent excreta and rodent hairs; and,

Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

When examined in the storage room, many of the bags were rodent-gnawed and contained rodent excreta and rodent hairs.

DISPOSITION: December 13, 1943. The claimant, H. H. Pike & Co., Inc., admitted the allegations of the libel. A consent decree of condemnation was entered and the product was ordered released under bond for remanufacturing or re-refining under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a decomposed substance as evidenced by mold, Nos. 5841 to 5843; it was below the standard for milk fat content, Nos. 5844 to 5855; and it was misbranded in that it was short-weight, Nos. 5855 and 5856.

5841. Adulteration of butter. U. S. v. 29 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 11484. Sample No. 51756-F.)

LIBEL FILED: December 22, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 4 and 5, 1943, by L. D. Schreiber & Co., Galewood and Chicago, Ill.

PRODUCT: 29 cartons, each containing 32 1-pound prints, of butter at Boston Mass. It was contaminated with green mold.

LABEL, IN PART: (Wrapper on prints) "Hillside Farm (Unsalted) Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivery of the butter to a soap company for rendering purposes.

5842. Adulteration of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 10896. Sample No. 53324-F.)

LIBEL FILED: September 15, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 16, 1943, by the Potomac Creamery Co., Inc., Hagerstown, Md.

PRODUCT: 3 32-pound cases of butter at Quantico, Va.

LABEL, IN PART: "Potomac Brand Selected Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

This product contained mold.

DISPOSITION: January 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was salvaged for industrial use.

5843. Adulteration of butter. U. S. v. 2 Cases and 25 Cases of Butter. Decrees of condemnation. Part of product ordered released under bond to be reworked into a neutral oil; remainder ordered sold to a soap company. (F. D. C. Nos. 11268, 11270. Sample Nos. 28075-F, 35234-F.)

LIBELS FILED: November 24, 1943, Southern District of Florida, and November 20, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about November 5 and 15, 1943, from Nashville, Tenn., by the Cudahy Packing Co.

PRODUCT: 2 cases, each containing 32 pounds, of butter at Tampa, Fla., and 25 cases, each containing 32 pounds, of butter at Atlanta, Ga.

LABEL, IN PART: "Cudahy Sunlight Creamery Butter Country Roll Style," and "Valley Farm Brand Creamery Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance by reason of the presence of mold.