

DISPOSITION: Between February 11 and April 29, 1944. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6392. Misbranding of Butter Stretch. U. S. v. 17 Cases of Butter Stretch. Default decree of condemnation and destruction. (F. D. C. No. 11176. Sample No. 30262-F.)

LABEL FILED: November 29, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about April 7, 1943, by the American Nutrition Co., from Chicago, Ill.

PRODUCT: 17 cases, each containing a display banner and 12 cartons of 24 envelopes each, of Butter Stretch.

LABEL, IN PART: (Front of envelope) "4 Leaf Clover BUTTER S-T-R-E-T-C-H."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the following statements and designs appearing in the labeling of the article: (Display banner) "Butter 13¢ Lb. For the Extra Pound"; (front of envelope) "* * * BUTTER S-T-R-E-T-C-H Makes A Pound of Butter Go Twice As Far!," and the pictorial representation of two cubes of butter on plates, one cube twice as large as the other; (back of envelope) "* * * We recommend you make up only the amount of butter product needed * * * finished butter product * * *"; and (case label) "* * * BUTTER S-T-R-E-T-C-H Makes A Pound of Butter Go Twice As Far! * * * Now Make One Butter Coupon Do The Job Of Two!," and the pictorial representation of two cubes of butter on plates, one cube twice as large as the other, were false and misleading since the article would not stretch 1 pound of butter into 2 pounds of butter and would not make a pound of butter go twice as far. The following statements which appeared in the labeling of the article: (Envelope) "Makes A Pound of Butter Go Twice As Far! * * * Enough for 4 Pounds—10¢ * * * Ingredients. Gelatin, Rennet, Salt, Milk Sugar, Gum Karaya, Baking Soda and U. S. Certified Food Coloring * * *"; and (case label) "Makes A Pound of Butter Go TWICE AS FAR! * * * Enough for 4 Pounds—10¢ * * * Ingredients. Gelatin, Rennet, Salt, Milk Sugar, Gum Karaya, Baking Soda and U. S. Certified Food Coloring * * * One package of 4 Leaf Clover Butter Stretch is Enough for Four Pounds Only 10¢ * * *," were misleading since they failed to reveal the material fact that the article was 97 percent common table salt, sold in this form at the rate of approximately \$5.00 a pound; and the principal panel of the label, on which such statements appeared, failed to reveal the material fact that the purchaser must supply 1 pint of milk for each pound of butter treated with the article. Section 403 (e) (2), it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the statement "Contents: 8 tablets" did not give accurate information of the weight or size of the individual tablets.

DISPOSITION: March 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GIFT PACKAGES*

6393. Misbranding of gift packages. U. S. v. De Luxe Dainties, Inc. Plea of guilty. Fine of \$750 on 1 count; sentence suspended on remaining counts. (F. D. C. No. 9610. Sample Nos. 31905-F to 31908-F, incl., 32695-F.)

INFORMATION FILED: On May 13, 1943, in the Southern District of New York, against De Luxe Dainties, Inc., New York, N. Y.

ALLEGED SHIPMENT: On or about November 2 and 19, 1942, from the State of New York into the State of Ohio, of a number of gift packages.

PRODUCT: A portion of the gift packages contained candied fruit, and the remainder contained such articles as candy, preserves, jelly, nuts, and honey. The packages contained less food than was indicated by their outward appearance, and the name and address of the manufacturer did not appear on the packages.

LABEL, IN PART: (Portion) "Stuffed Glace Fruit."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the lot of candied fruit was misbranded in that the container, a tray, was so made, formed, and filled as

*See also Nos. 6237-6239.