

Misbranding, Section 403 (a), the label statement, "Contains 25 [or "50"]% Pure Vermont Maple Syrup," was false and misleading as applied to the product, which was an artificially flavored and colored sugar sirup containing an insignificant amount of maple sirup; and, Section 403 (c), the product was an imitation of another food, i.e., "Griddle Cake Syrup Contains 25 [or "50"]% Pure Vermont Maple Syrup," and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

**DISPOSITION:** February 2, 1945. J. G. Generalis, trading as the J. G. Generalis Co., having admitted the allegations of the libel, judgment of condemnation was entered. On March 3, 1945, upon petition by the claimant, the court ordered the product released under bond for relabeling under the supervision of the Food and Drug Administration.

**8356. Misbranding of sorghum sirup. U. S. v. 122 Cases and 48 Cases of Sorghum Sirup. Decree of condemnation, with provision for release of the product under bond.** (F. D. C. No. 14930. Sample No. 69534-F.)

**LIBEL FILED:** January 2, 1945, District of New Mexico.

**ALLEGED SHIPMENT:** Between the approximate dates of December 1, 1943, and February 1, 1944, by R. C. Hyatt, from Sulphur Springs, Tex.

**PRODUCT:** 170 cases, each containing 6 jars, of sorghum sirup, at Portales, N. Mex. The product was shipped unlabeled. Analysis showed that it was a mixture of sorghum sirup, sugar, and corn sirup.

**VIOLATIONS CHARGED:** Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** February 3, 1945. No claimant having appeared, judgment of condemnation was entered. The decree provided that the product be released in the event that R. C. Hyatt, Portales, N. Mex, should pay costs and execute a bond, conditioned that the sirup be labeled under the supervision of the Food and Drug Administration.

#### SUGAR

**8357. Adulteration of sugar. U. S. v. 128 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 14968. Sample No. 89920-F.)

**LIBEL FILED:** January 13, 1945, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about November 9, 1944, from White Castle, La.

**PRODUCT:** 128 100-pound bags of sugar, at Memphis, Tenn., in the possession of the National Biscuit Co. The product was stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (4), the article had been held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** March 10, 1945. The National Biscuit Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refining and recrystallization under the supervision of the Federal Security Agency.

**8358. Adulteration of sugar. U. S. v. 203 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 14128. Sample No. 79762-F.)

**LIBEL FILED:** On or about October 30, 1944, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 18, 1943, from Jacksonville, Fla.

**PRODUCT:** 203 100-pound bags of sugar at Bluefield, W. Va., in the possession of Southern Maid, Inc. The bags containing the sugar were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent pellets, and that it was contaminated with urine.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been

held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** Southern Maid, Inc., claimant, having filed an answer admitting that the product was adulterated but denying that it had been held under insanitary conditions, consented to the entry of a decree. On January 13, 1945, the court having made its finding that the product was adulterated, but having made no finding with respect to the allegation that it had been held under insanitary conditions, judgment of condemnation was entered and the product was ordered released under bond to be refined under the supervision of the Food and Drug Administration.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 8359 to 8361; that was below the legal standard for milk fat content, Nos. 8361 to 8364; and that was short of the declared weight, Nos. 8365 to 8367.

**8359. Adulteration of butter. U. S. v. 30 68-Pound Cubes of Butter. Default decree of condemnation. Product ordered sold for industrial use. (F. D. C. No. 14586. Sample No. 71944-F.)**

**LABEL FILED:** July 26, 1944, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 8, 1944, by the Purity Dairies, from Miles City, Mont.

**PRODUCT:** 30 68-pound cubes of butter at Seattle, Wash. Examination showed that the product contained rodent hair fragments, insect fragments, and straw fragments.

**LABEL, IN PART:** "Walter Ely Co. Seattle Wash. Distributors Butter."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** July 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold after its conversion for industrial uses under the supervision of the Food and Drug Administration.

**8360. Adulteration of butter. U. S. v. 12 Boxes and 12 Boxes (1,632 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14363. Sample No. 73499-F.)**

**LABEL FILED:** October 5, 1944, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 7, 1944, by the Worland Creamery Co., from Worland, Wyo.

**PRODUCT:** 24 68-pound boxes of butter at San Francisco, Calif. Examination of samples showed that the product contained cat hairs, mites, and insect parts.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** February 9, 1945. The Worland Creamery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be disposed of for industrial nonfood use, under the supervision of the Federal Security Agency.

**8361. Adulteration of butter. U. S. v. 68 Cartons (approximately 4,420 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15042. Sample Nos. 93633-F, 93637-F.)**

**LABEL FILED:** December 15, 1944, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 28, 1944, by the Producers Creamery Co., from Kirksville, Mo.

**PRODUCT:** 68 cartons, each containing approximately 65 pounds, of butter at Jersey City, N. J.

**LABEL, IN PART:** "June Dairy Products Co., Inc. Distributors Jersey City, N. J. 4330 Butter."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter; and,