

LABEL, IN PART: "Fox Cross Charleston Chew! Net Weight 1-1/2 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CHOCOLATE AND CHOCOLATE PRODUCTS

9853. Adulteration of chocolate. U. S. v. 9 Bales of Chocolate. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17448. Sample Nos. 13480-H, 13481-H.)

LABEL FILED: On or about September 13, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of August 12, 1944, and April 24, 1945, by Rockwood and Co., from Brooklyn, N. Y.

PRODUCT: 9 bales, each containing 20 10-pound slabs, of chocolate at Cincinnati, Ohio.

LABEL, IN PART: "Stratford [or "Plymouth"] Sweet Chocolate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 14, 1945. Sauerston & Brown Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned in order to eliminate all filth, under the supervision of the Food and Drug Administration.

9854. Adulteration of chocolate coating and sweet chocolate. U. S. v. 36 Cartons of Chocolate Coating and 31 Bags of Sweet Chocolate. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17408. Sample Nos. 13759-H, 13898-H.)

LABEL FILED: September 7, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 23, 1945, by the Phoebe Phelps Caramel Co., from Boston, Mass.

PRODUCT: 36 cartons, each containing 5 10-pound slabs, of chocolate coating and 31 bags, each containing 20 10-pound slabs, of sweet chocolate at Cleveland, Ohio, in the possession of the Lederer Terminal Warehouse. These products contained rodent hair fragments, insect fragments, and larvae. The sweet chocolate had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta was observed on them.

LABEL, IN PART: "Peter's Superlative Chocolate Coating," or "Quality Lt. Med. Sweet Chocolate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances; and, Section 402 (a) (4), the sweet chocolate had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 11, 1945. E. Pellegatti, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond, conditioned that they be cleaned in order to eliminate all filth. If it were not possible to clean the products, they were to be disposed of for purposes other than human consumption, or destroyed.

9855. Adulteration of chocolate sirup. U. S. v. 31 Cans of Chocolate Syrup. Default decree of condemnation and destruction. (F. D. C. No. 17498. Sample No. 18686-H.)

LABEL FILED: September 21, 1945, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about May 2, 1945, by the C. I. Products Co., from Cincinnati, Ohio.

PRODUCT: 31 No. 10 cans of chocolate sirup at New Lisbon, Wis. This product was undergoing active decomposition.

LABEL, IN PART: "Sun Meadow Brand Ice Cream Chocolate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.