

CHOCOLATE

10576. Adulteration of chocolate coating. U. S. v. 45 Bags * * *. (F. D. C. No. 18120. Sample No. 10377-H.)

LABEL FILED: November 9, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 2 and 25, 1945, by Walter Baker and Co., Inc., Milton, Mass.

PRODUCT: 45 bags, each containing 20 10-pound slabs, of chocolate coating at Pittsburgh, Pa.

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, webbing, and insect excreta.

DISPOSITION: November 20, 1945. The D. L. Clark Co., Pittsburgh, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by removal of all filth, under the supervision of the Food and Drug Administration.

10577. Adulteration of chocolate coating. U. S. v. 5 and 19 Bales * * *. (F. D. C. Nos. 18553, 19310. Sample Nos. 12858-H, 52413-H.)

LABELS FILED: February 13, 1945, and March 11, 1946, Northern District and Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 4 and November 10, 1945, by the Klein Chocolate Co., Elizabethtown, Pa.

PRODUCT: 5 bales, each containing 20 10-pound slabs, of chocolate coating at Kenton, Ohio, and 19 bales, each containing 20 10-pound slabs, of chocolate coating at Washington Court House, Ohio.

LABEL, IN PART: "Klein's Kotemor Sweet Chocolate Coating," or "Klein's Popular Sweet Chocolate Coating."

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 insect fragments, larvae, beetles, and insect parts.

DISPOSITION: January 11 and April 25, 1946. The Runkle Co., claimant for the Kenton lot, and the Washington Court House Candy Co., claimant for the Washington Court House lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

10578. Adulteration of chocolate coating. U. S. v. 7 Cases * * *. (F. D. C. No. 18075. Sample No. 14435-H.)

LABEL FILED: November 8, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 20, 1945, by the Bachman Chocolate Manufacturing Co., from Mount Joy, Pa.

PRODUCT: 7 cases, each containing 5 10-pound slabs, of chocolate coating at Akron, Ohio.

LABEL, IN PART: "Bachman Chocolate Coatings and Liquors."

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

DISPOSITION: January 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUP AND SUGAR

10579. Adulteration and misbranding of table sirup. U. S. v. Dad's Quality Syrup Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 15546. Sample Nos. 34921-F, 34922-F, 63376-F.)

INFORMATION FILED: January 28, 1946, Northern District of Florida, against the Dad's Quality Syrup Co., a partnership, Gainesville, Fla.

ALLEGED SHIPMENT: On or about July 13 and August 12, 1944, from the State of Florida into the State of Georgia.

LABEL, IN PART: "Maple Leaf Brand Dad's Quality * * * Syrup Made of Cane and Maple Syrup By Geo. W. Dreblow & Son Gainesville, Fla.," or "It's Different Dad's Best Quality Pure Sugar Cane Syrup."

NATURE OF CHARGE: Maple Leaf Brand Syrup, adulteration, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the article and mixed and packed with it so as to make it appear to be maple sirup, which is better and of greater value than the article. Misbranding, Section 403 (a), the statement "Maple Leaf * * * Syrup" appearing in large conspicuous type on the label of the article, and the design of a maple leaf prominently displayed on the labels, were misleading in that they represented and suggested and engendered the impression in the mind of the reader that the article consisted of maple sirup. The article did not consist of maple sirup but consisted of an artificially flavored and artificially colored mixture of sugar, or sugars, and water, containing an insignificant amount of maple sirup; Section 403 (c), the article was an imitation of another food, maple sirup, 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; and, Section 403 (k), the article contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

Pure Sugar Cane Syrup, adulteration, Section 402 (b) (2), a mixture of sugar, water, invert sugar, and glucose, containing little or no cane sirup, had been substituted in whole or in part for cane sirup, which the article was represented to be. Misbranding, Section 403 (a), the statement "Pure Sugar Cane Syrup" on the label was false and misleading since the article was not cane sirup but was a mixture of sugar, invert sugar, water, and (in a portion) glucose, with little or no cane sirup; and, Section 403 (i) (2), the article failed to bear a label containing the common or usual name of each of its ingredients, since its label failed to bear a statement that it contained sugar, invert sugar, water, and (in a portion) glucose.

DISPOSITION: June 12, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$300.

10580. Adulteration and misbranding of cane sirup. U. S. v. 8 Cases * * * (and 2 other seizure actions). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 18216, 18231, 18232. Sample Nos. 11582-H, 11586-H, 11589-H.)

LABELS FILED: October 25 and 29 and November 5, 1945, District of New Hampshire and Massachusetts.

ALLEGED SHIPMENT: On or about June 18, 1945, by the Dubon Co., from Ville Platte, La.

PRODUCT: Sugar Cane Syrup. 8 cases, each containing 6 jars, at Nashua, N. H., and 332 cases and 270 cases, each containing 6 jars, at Lowell and Lynn, Mass., respectively.

LABEL, IN PART: "'Open Kettle' Brand Sugar Cane Syrup * * * Packed For J. S. Brown and Son, New Iberia, La."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), molasses had been substituted in whole or in part for sugar cane sirup.

Misbranding (Lowell and Lynn lots), Section 403 (a), the label statement "Sugar Cane Syrup" was false and misleading as applied to an article containing molasses.

DISPOSITION: November 23, 1945. No claimant having appeared for the Nashua lot, judgment of condemnation was entered and the product was ordered destroyed.

February 18, 1946. Philip Porter, Inc., Nashua, N. H., claimant for the Lowell and Lynn lots, having consented to the entry of a decree, the cases were consolidated and judgment of condemnation was entered. The product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.