

PRODUCT: 26 cases, each containing 24 1-pound jars, of chocolate-flavored sirup at Washington, D. C.

LABEL, IN PART: "GT Double Strength Chocolate Flavored Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance having a predominating taste of strong molasses with a barely noticeable cocoa flavor had been substituted in whole or in part for double strength chocolate-flavored sirup.

Misbranding, Section 403 (a), the label statement "Double Strength Chocolate Flavored Syrup" was false and misleading.

DISPOSITION: July 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

SIRUP AND SUGAR*

10759. Adulteration and misbranding of cane sirup and cane and maple sirup. U. S. v. Dixie Lily Milling Company, Inc. (Webb's Syrup Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 15591. Sample Nos. 63623-F, 63960-F.)

INFORMATION FILED: January 28, 1946, Northern District of Florida, against the Dixie Lily Milling Company, Inc., a corporation, trading as Webb's Syrup Co., Williston, Fla.

ALLEGED SHIPMENT: Between the approximate dates of July 12 and November 8, 1944, from the State of Florida into the State of Georgia.

LABEL, IN PART: "Webb's Special Delicious Cane & Maple Syrup," or "Webb's Best Cane Syrup."

NATURE OF CHARGE: Cane and Maple Syrup. Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored mixture of sugar and water had been substituted in whole or in part for a mixture of cane and maple sirup; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to be a mixture of cane sirup and maple sirup, which is better and of greater value than the article. Misbranding, Section 403 (a), the label statements "Cane & Maple Syrup" and "Made from Cane Sugar Syrup, Pure Maple Syrup and Imitation Flavor" were false and misleading; Section 403 (c), the article was an imitation of 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.

Cane Syrup. Adulteration, Section 402 (b) (1), a valuable constituent, cane sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), a mixture consisting of sugar sirup, invert sugar sirup, cane sirup, a small amount of cream of tartar, and caramel color had been substituted in whole or in part for cane sirup. Misbranding, Section 403 (a), the label statement "Webb's Best Cane Syrup" was false and misleading; Section 403 (c), the article was an imitation of cane 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 coloring, and it failed to bear labeling stating that fact.

DISPOSITION: January 15, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300.

10760. Misbranding of cane sirup. U. S. v. 280 Cases * * *. (F. D. C. No. 19106. Sample Nos. 24918-H, 24923-H.)

LIBEL FILED: On or about February 12, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 8 and 22, 1945, by Star "B" Syrup Plant, from New Iberia, La.

PRODUCT: 280 cases, each containing 12 cans, of cane sirup at Houston, Tex. Examination showed that the product was short-volume.

LABEL, IN PART: (Cans) "Star "B" Pure Cane Syrup Contents 1 Quart, 1 Pint, 6 Fluid Ounces."

*See also No. 10724.

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

DISPOSITION: March 29, 1946. The claimant having admitted that the product was misbranded as alleged in the libel, judgment of condemnation was entered and the sirup was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

10761. Misbranding of maple sirup. U. S. v. 18 Cases * * *. (F. D. C. No. 19020. Sample No. 4667-H.)

LIBEL FILED: February 1, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 21 and 27, 1945, by the New England Maple Syrup Co., from Chelsea, Mass.

PRODUCT: 18 cases, each containing 6 cans, of maple sirup at Philadelphia, Pa. Examination showed that the product was short-weight.

LABEL, IN PART: "Parke's Brand Canned Quality Foods Pure Maple Syrup * * * Net Contents 3 Quarts—Net Weight 8 Lbs. 4 Ozs."

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: February 25, 1946. The New England Maple Syrup Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10762. Adulteration of sugar. U. S. v. 27 Bags * * *. (F. D. C. No. 18512. Sample No. 21943-H.)

LIBEL FILED: December 3, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 10 and September 29, 1945, from Sterling, La.

PRODUCT: 27 100-pound bags of sugar at Memphis, Tenn., in possession of Memphis Ice Cream Co. The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were observed on the bags, and examination showed that the product contained rodent excreta and urine.

NATURE OF CHARGE: 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 may have become contaminated with filth.

DISPOSITION: February 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder to be denatured for use other than human consumption, 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. 10763 to 10766 and 10771; and that was below the standard for milk fat content, Nos. 10767 to 10770.

10763. Adulteration of butter. U. S. v. Cecil E. Malone (Hereford Creamery). Plea of guilty. Fine, \$400. (F. D. C. No. 18603. Sample Nos. 26156-H, 26743-H.)

INFORMATION FILED: June 4, 1946, Northern District of Texas, against Cecil E. Malone, trading under the name Hereford Creamery, Hereford, Tex.

ALLEGED SHIPMENT: June 21 and July 6, 1945, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Cream-O-Plains Butter."

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 insects, insect parts, insect fragments, setae, rodent hair, hair similar to rodent hair, hair similar to cat hair, feather barbules, moth scales, and nondescript dirt; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.