

**DISPOSITION:** Between July 17 and December 10, 1946. The Hollenden Hotel, the Hotel Statler, Inc., and the Cleveland Terminals Building Co., claimants for the Cleveland lots, Yale University, New Haven, Conn., claimant for the New Haven lot, and the Statler Hotel, Detroit, Mich., claimant for the Detroit lot, having consented to the entry of decrees, and no claimant having appeared for the Bridgeport lot, judgments of condemnation were entered. It was ordered that the Bridgeport lot be distributed to charitable institutions, and that the remainder be released under bond for relabeling under the supervision of the Federal Security Agency.

**11170. Adulteration and misbranding of maple sirup. U. S. v. 198 and 78 Cans and 110 and 6 Cases \* \* \*. (F. D. C. Nos. 20002, 20003, 20526, 20575. Sample Nos. 53030-H, 53117-H, 53118-H, 59883-H.)**

**LIBELS FILED:** May 20, July 13, and August 2, 1946, Northern and Southern Districts of Ohio.

**ALLEGED SHIPMENT:** On or about March 6 and 22, 1946, Theodore Zall shipped 78 gallons and 36 gallons from Newark, N. J., and on or about April 12 and May 11, 1946, Zall & Levinson shipped 308 gallons from Newark, N. J.

**PRODUCT:** Maple sirup. 276 1-gallon cans at Columbus, 6 cases, each containing 6 gallons, at Cleveland, Ohio, and 110 cases, each containing 6 1-gallon cans, at Youngstown, Ohio. The Youngstown lot, 198 gallons of the lot at Columbus, and the Cleveland lot were in part fermented and decomposed. The Youngstown and Cleveland lots consisted of artificially flavored and colored sugar sirup, containing little, if any, maple sirup. The Columbus lots contained about 60 percent sugar solids, whereas maple sirup should contain 65 percent sugar solids.

**LABEL, IN PART:** "Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt."

**NATURE OF CHARGE:** Columbus lot. Adulteration, Section 402 (b) (2), sweetened water had been substituted in whole or in part for maple sirup; and, Section 402 (a) (3), (198 cans only) the product consisted in whole or in part of a decomposed substance.

Youngstown and Cleveland lots. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted; Section 402 (b) (2), artificially flavored and colored sugar sirup, containing little, if any, maple sirup, had been substituted for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make the article appear better and of greater value than it was. Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), it was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), it contained artificial flavoring and coloring and failed to bear labeling stating that fact.

**DISPOSITION:** On July 3, 1946, no claimant having appeared for the Columbus lot, judgment of condemnation was entered and the product was ordered destroyed. On August 16, 1946, Pick Hotels Corp., claimant for the Youngstown lot, and the Hotel Statler Co., Inc., claimant for the Cleveland lot, having admitted the facts in the respective libels, 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.

**11171. Adulteration of sugar sirup. U. S. v. 18 Barrels \* \* \*. (F. D. C. No. 19948. Sample No. 1195-H.)**

**LIBEL FILED:** May 23, 1946, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about April 25 and May 19, 1944, by the Dominion Sales Co., from Long Island City, N. Y.

**PRODUCT:** 18 53-gallon barrels of sugar sirup at Winston-Salem, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

**DISPOSITION:** May 8, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11172. Adulteration of sugar. U. S. v. 250 Bags \* \* \*. (F. D. C. No. 19457. Sample No. 1632-H.)**

**LABEL FILED:** March 27, 1946, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 4, 1946, from Columbia, S. C.

**PRODUCT:** 250 100-pound bags of sugar at Augusta, Ga., in possession of the City Bonded Warehouse. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta, rodent hairs, and urine.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article 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:** April 19, 1946. The Double Cola Bottling Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration, so that it could be brought into compliance with the law.

**11173. Adulteration of sugar. U. S. v. 187 Bags \* \* \*. (F. D. C. No. 19822. Sample No. 24938-H.)**

**LABEL FILED:** May 8, 1946, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about June 23, 1945, from Wichita, Kans.

**PRODUCT:** 187 100-pound bags of sugar at San Carlos, Tex., in possession of the Miller Brothers Food Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent hair fragments and rodent excreta.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3) and (4).

**DISPOSITION:** June 24, 1947. Zella E. Miller, claimant, trading as Miller Brothers Foods, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of as food for bees.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 11174 to 11176; that was below the standard for milk fat content, Nos. 11177 and 11178; and that was short of the declared weight, Nos. 11179 and 11180.

**11174. Adulteration of butter. U. S. v. Mutual Creamery Co. Plea of nolo contendere. Fine, \$750. (F. D. C. No. 20175. Sample No. 25465-H.)**

**INFORMATION FILED:** August 30, 1946, District of Colorado, against the Mutual Creamery Co., a corporation, Grand Junction, Colo.

**ALLEGED SHIPMENT:** On or about August 17, 1945, from the State of Colorado into the State of Utah.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, an insect egg, metal turnings, fibers, and plant tissue.

**DISPOSITION:** October 9, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$750.