

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so made, formed, and filled as to be misleading since the package appeared to hold substantially more candy than was contained in it.

DISPOSITION: February 25, May 1, and July 7, 1947. Associated Foods having appeared as claimant for the St. Louis lot, and no claimants having appeared for the other two lots, judgments of condemnation were entered. The St. Louis lot was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency, and the other two lots were ordered delivered to charitable institutions.

12039. Adulteration of chocolate flavor. U. S. v. 1 Drum * * * (and 1 other seizure action). (F. D. C. Nos. 22133, 22168. Sample Nos. 64264-H, 64975-H, 64976-H.)

LIBELS FILED: December 31, 1946, and January 8, 1947, Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of November 13 and 21, 1946, by the Hooton Chocolate Co., from Newark, N. J.

PRODUCT: 1 75-pound drum and 12 100-pound drums of chocolate flavor at Long Island City and Brooklyn, N. Y., respectively.

LABEL, IN PART: "Orinoco Choc. Flavor."

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 (1 drum) of insect fragments and rodent hair fragments and (12 drums) of rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1947. No claimant having appeared for either lot, judgments of condemnation were entered and the product was ordered destroyed.

12040. Adulteration of chocolate flavoring. U. S. v. 30 Packages * * *. (F. D. C. No. 22454. Sample No. 75103-H.)

LIBEL FILED: January 31, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about November 12, 1946, by the Hood Products Corp., from New York, N. Y.

PRODUCT: 30 1-pound packages of chocolate flavoring at San Francisco, Calif.

LABEL, IN PART: "Cal-Par Chocolate Flavor Prepared by Cal-Par Corporation New York, N. Y."

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 rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12041. Misbranding of chocolate-flavored sirup. U. S. v. 8 Cans * * *. (F. D. C. No. 22683. Sample No. 57682-H.)

LIBEL FILED: March 6, 1947, District of Maine.

ALLEGED SHIPMENT: On or about December 9, 1946, by the Rose Specialty Products, from New York, N. Y.

PRODUCT: 8 8-pound cans of chocolate-flavored sirup at Bangor, Maine.

LABEL, IN PART: (Cans) "Orchid Brand Bitter Sweet Chocolate Flavored Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the word "Chocolate," which appeared in prominent type on the label, was misleading since it implied that the article had a substantial chocolate content; the statement "Chocolate Liquor," which appeared in the label list of ingredients, was misleading as applied to a product which contained a low-fat cocoa with no, or an insignificant amount of, chocolate; and the label statement "Bitter Sweet" was misleading since it is widely used to indicate a type of chocolate but never a type of cocoa.

Further misbranding, Section 403 (e) (1), the label of the article failed to contain the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (k), the article contained artificial flavoring and