

SIRUP

12466. Adulteration and misbranding of sirup. U. S. v. Harry Axt. Plea of nolo contendere. Defendant sentenced to 30 days in jail and placed on probation for 2 years. (F. D. C. No. 21468. Sample Nos. 63334-H, 63340-H, 63881-H.)

INFORMATION FILED: March 28, 1947, District of New Jersey, against Harry Axt, trading at Newark, N. J.

ALLEGED SHIPMENT: Between the approximate dates of April 22 and May 29, 1946, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt. St. Johns Boro."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially flavored sugar sirup containing little, if any, maple sirup had been substituted for maple sirup.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading.

DISPOSITION: June 27, 1947. A plea of nolo contendere having been entered, the defendant was sentenced to 30 days in jail, to run concurrently, on each of 5 counts. Imposition of sentence on the sixth count was suspended, and the defendant was placed on 2 years' probation.

12467. Adulteration and misbranding of sirup. U. S. v. Zall & Levinson, a partnership, and Theodore Zall, Ralph Levinson, and Philip Levinson. Pleas of nolo contendere by individual defendants. Theodore Zall sentenced to 3 months' imprisonment; Ralph Levinson, 30 days' imprisonment; and Philip Levinson, 30 days' imprisonment, which was suspended. Individual defendants placed on 3 years' probation; imposition of sentence suspended with respect to partnership. (F. D. C. No. 21537. Sample Nos. 8492-H, 8497-H, 15333-H, 42846-H, 53023-H, 59833-H.)

INFORMATION FILED: February 11, 1947, District of New Jersey, against Zall & Levinson, Newark, N. J., Theodore Zall and Ralph Levinson, partners, and Philip Levinson, an employee of the partnership.

ALLEGED SHIPMENT: Between the approximate dates of May 9 and June 1, 1946, from the State of New Jersey into the States of Connecticut, Ohio, Virginia, and Michigan.

LABEL, IN PART: "Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt. St. Johns Boro."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially flavored sugar sirup containing little, if any, maple sirup had been substituted for maple sirup.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading.

DISPOSITION: June 27, 1947. Pleas of nolo contendere having been entered by the individuals, the court sentenced Theodore Zall to 3 months in jail and Ralph Levinson to 30 days in jail on each of counts 1 to 11, inclusive, the sentences to run concurrently. Imposition of sentence was suspended with respect to these defendants on count 12. Philip Levinson was sentenced to 30 days in jail on all counts, which sentence was suspended. The individuals were placed on 3 years' probation, and imposition of sentence with respect to the partnership was suspended.

12468. Adulteration and misbranding of pancake sirup and misbranding of chocolate-flavored sirup. U. S. v. 10 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23010, 23016. Sample Nos. 30472-H, 30473-H.)

LIBELS FILED: April 29 and May 7, 1947, District of Utah.

ALLEGED SHIPMENT: On or about November 12 and December 20, 1946, by Silver Hill Products, Inc., from Jersey City, N. J.

PRODUCT: 10 cases, each containing 6 cans, of pancake sirup and 46 cases, each containing 6 cans, of chocolate-flavored sirup at Salt Lake City, Utah.

LABEL, IN PART: "Maple Flavored Pancake Syrup * * * 96 Fluid Oz.," or "Van Delft's Double Strength Chocolate Flavored Syrup Net Weight 96 Fluid Ounces."

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

being fermented; and, Section 402 (b) (2), an article containing less soluble solids than pancake sirup had been substituted for pancake sirup.

Both products. Misbranding, Section 403 (e) (2), the articles failed to bear labels containing accurate statements of the quantity of the contents. (The products were short-volume.)

DISPOSITION: June 13, 1947. No claimant having appeared, judgments were entered ordering both products destroyed.

12469. Adulteration of sirup. U. S. v. 145 Cartons * * *. (F. D. C. No. 21757. Sample No. 32178-H.)

LIBEL FILED: November 21, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about September 13, 1946, by the Peninsula Distributing Co., from Bremerton, Wash.

PRODUCT: 145 cartons, each containing 24 1-pint jars, of sirup at Los Angeles, Calif. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "Mission Chimes Strawberry Waffle & Hot Cake Syrup California Fruit Chimes Co. San Gabriel, Calif."

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

DISPOSITION: February 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12470. Misbranding of sirup. U. S. v. 20 Cases * * *. (F. D. C. No. 23718. Sample No. 4442-K.)

LIBEL FILED: September 25, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about April 29, 1947, by the Harman Products Co., from Bushwick, N. Y.

PRODUCT: 20 cases, each containing 24 16-ounce bottles, of sirup at Manchester, N. H.

LABEL, IN PART: "Maplekist Syrup Contents 16 Fluid Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a dilute solution of water, sugar or sugars, gums, artificial flavor, and benzoate of soda, containing less sugars than are contained in maple sirup, had been substituted for maple sirup, which the article purported to be, since it had the appearance and a slight flavor of maple sirup, and the name "Maplekist" suggested that the article was maple sirup.

Misbranding, Section 403 (a), the label designation "Maplekist Syrup" was misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bottles contained less than the amount declared.)

DISPOSITION: December 15, 1947. Default decree of condemnation. The product was ordered delivered to a public institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 12471 to 12480; that was below the legal standard for milk fat content, Nos. 12481 to 12488; and that was short of the declared weight, No. 12488.

12471. Adulteration of butter and process cheese. U. S. v. Frank Pilley & Sons, Inc., and Frank E. Pilley, Jr., Mark A. Pilley, Jacob W. Teubel, William Christianson, and Scott J. Davis. Pleas of guilty. Corporation fined \$1,600 and costs; individual defendants each fined \$40. (F. D. C. No. 22028. Sample Nos. 3299-H, 3300-H, 51443-H to 51446-H, incl., 51555-H, 51580-H, 63800-H, 64802-H.)

INFORMATION FILED: April 29, 1947, Northern District of Iowa, against Frank Pilley & Sons, Inc., Sioux City, Iowa, and Frank E. Pilley, Jr., president of the corporation, Mark A. Pilley, vice president, and Jacob W. Teubel, William Christianson, and Scott J. Davis.

ALLEGED SHIPMENT: Between the approximate dates of August 27 and October 8, 1946, from the State of Iowa into the States of Maryland, New York, and South Dakota.