

MISCELLANEOUS SACCHARINE PRODUCTS

13066. Adulteration and misbranding of maple sirup. U. S. v. Joseph A. O'Melia. Plea of guilty. Fine, \$150. (F. D. C. No. 23271. Sample Nos. 66575-H, 66670-H, 66674-H.)

INFORMATION FILED: January 8, 1948, Eastern District of Pennsylvania, against Joseph A. O'Melia, Lawndale (Philadelphia), Pa.

ALLEGED SHIPMENT: Between the approximate dates of February 20 and May 20, 1947, from the State of Pennsylvania into the States of Delaware and New Jersey.

PRODUCT: Two of the shipments were invoiced "Maple Syrup." The remaining shipment was represented to be maple sirup by oral representations of the defendant.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in part omitted; Section 402 (b) (2), partially inverted sugar sirup artificially flavored and artificially colored with little or no maple sirup had been substituted for maple sirup; Section 402 (b) (3), the article was inferior to maple sirup, and its inferiority had been concealed by the addition of artificial flavor and artificial color; and, Section 402 (b) (4), artificial flavor and artificial color had been added, mixed, and packed with the article so as to make it appear to be maple sirup.

Misbranding, Sections 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) (1), the label failed to bear the common or usual name of the food; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: March 19, 1948. A plea of guilty having been entered, the defendant was fined \$150.

13067. Adulteration of sorghum grain sirup. U. S. v. 38 Barrels, etc. (F. D. C. No. 22510. Sample No. 50860-H.)

LIBEL FILED: February 11, 1946, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of November 17 and December 18, 1946, by Grain Derivatives Corp., from Louisville, Ky.

PRODUCT: 578 barrels of sorghum grain sirup at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of sorghum grain sirup with rust, soot, lacquer, and other foreign material had been substituted for sorghum grain sirup, which the product was represented to be.

DISPOSITION: March 4, 1947. The Grain Derivatives Corp., 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, under the supervision of the Food and Drug Administration. The sirup was brought into compliance with the law by straining.

13068. Misbranding of sirup. U. S. v. 18 Cases * * *. (F. D. C. No. 23806. Sample No. 18118-K.)

LIBEL FILED: October 10, 1947, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about April 18, 1947, by the Rainbow Syrup Co., from Gadsden, Ala.

PRODUCT: 18 cases, each containing 6 bottles, of sirup at Chattanooga, Tenn.

LABEL, IN PART: "Rainbow [or "Crystal"] Syrup * * * Composed of Corn Syrup, Sugar and Honey Number 5."

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. (No statement of the quantity of the contents appeared on the label.)

DISPOSITION: December 30, 1947. Default decree of condemnation and destruction. (Editor's note: In addition to being misbranded, the product was moldy and unfit for food.)

13069. Misbranding of sirup. U. S. v. 2 Cases * * *. (F. D. C. No. 24387. Sample No. 4355-K.)

LIBEL FILED: On or about March 18, 1948, District of Maine.

ALLEGED SHIPMENT: On or about December 9, 1947, by the Chas. Malone Co., from Cambridge, Mass.

PRODUCT: 2 cases, each containing 2 1-gallon jugs, of sirup at Portland, Maine.
LABEL, IN PART: "Malone's Maple Queen Brand Pancake Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Maple Queen Syrup" was false and misleading, since the sirup derived most of its flavor from artificial flavor. (Analysis showed that the product was a sirup with a marked artificial taste and caramel-like odor.)

DISPOSITION: May 19, 1948. Default decree of condemnation and destruction.

13070. Adulteration of molasses. U. S. v. 52 Barrels * * *. (F. D. C. No. 24320. Sample No. 432-K.)

LIBEL FILED: January 27, 1948, Western District of North Carolina.

ALLEGED SHIPMENT: On or about December 18, 1946, by the X-L Sugar Products Co., from Brooklyn, N. Y.

PRODUCT: 52 barrels, each containing 55 gallons, of molasses at Charlotte, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its strong odor and taste similar to that of paint.

DISPOSITION: May 11, 1948. The Charlotte Chemical Laboratories, Inc., Charlotte, N. C., having appeared as claimant, the case came on for trial before the court. Evidence was presented, and at the conclusion thereof the court made its findings of fact and conclusions of law sustaining the allegations of the libel. Thereupon, judgment of condemnation and destruction was entered.

13071. Misbranding of honey. U. S. v. 61 Cases, etc. (F. D. C. No. 23413. Sample Nos. 89120-H, 89121-H.)

LIBEL FILED: August 15, 1947, District of New Mexico.

ALLEGED SHIPMENT: On or about May 10, 1947, by the Bart Mann Co., from San Angelo, Tex.

PRODUCT: 123 cases, each containing 24 jars, of honey at Albuquerque, N. Mex.

LABEL, IN PART: "Marshall Brand Pure Honey Contents 8 Oz. Avoir. [or "1 Pound"]."

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. The label statements "Contents 8 Oz. Avoir." and "Contents 1 Pound" were inaccurate, since the jars contained less than the declared weights.

DISPOSITION: September 2, 1947. Bart W. Mann, claimant, having admitted the material allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked and properly labeled in full compliance with the law, under the supervision of the Federal Security Agency.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 13072 to 13076; that was below the legal standard for milk fat content, Nos. 13076 to 13086; that was short of the declared weight, No. 13085; and that was unlabeled as to weight of product, No. 13086.

13072. Adulteration of butter. U. S. v. Hubert L. Boecker (The Boecker Creamery). Plea of guilty. Fine, \$100. (F. D. C. No. 24507. Sample No. 79703-H.)

INFORMATION FILED: March 2, 1948, District of South Dakota, against Hubert L. Boecker, trading as the Boecker Creamery, Canova, S. Dak.

ALLEGED SHIPMENT: On or about August 15, 1947, from the State of South Dakota into the State of Illinois.

LABEL, IN PART: "Butter The Marketing Association of America * * * Distributors Chicago Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, cow hairs, manure, and nondescript dirt.

DISPOSITION: March 25, 1948. A plea of guilty having been entered, the defendant was fined \$100.