

15958. Misbranding of rum and brandy cakes. U. S. v. 68 Cakes, etc. (F. D. C. No. 26363. Sample Nos. 9981-K, 9982-K.)

LABEL FILED: December 30, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about November 24, 1948, by Affiliated Bakers, Inc., from Newark, N. J.

PRODUCT: 68 1-pound cakes and 57 2-pound cakes at New York, N. Y.

LABEL, IN PART: (Celluloid package) "Pickwick Deluxe Rum & Brandy Cake."

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

Further misbranding, Section 403 (a), the statement "Rum & Brandy Cake" borne on the label of the one-pound cake was false and misleading as applied to the one-pound cake, which had no odor or flavor of rum or brandy.

DISPOSITION: December 21, 1949. Default decree of condemnation. The court ordered that the Food and Drug Administration be permitted to take samples of the product in order to determine its fitness for consumption, and that if found to be fit, the product should be delivered to charitable institutions. The product was found to be fit for food and was delivered to various charitable institutions.

15959. Misbranding of Cheese Pops. U. S. v. 9 Cases * * *. (F. D. C. No. 28716. Sample No. 80883-K.)

LABEL FILED: February 13, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 6, 1950, by Filler Products Co., Inc., from Atlanta, Ga.

PRODUCT: 9 cases, each containing 12 3½-ounce jars, of Cheese Pops at Philadelphia, Pa.

LABEL, IN PART: (Jar) "Vacuum Packed Filler's Cheese Pops A Delicious Tid-Bit Appetizer Net Wt. 3½ Oz."

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. (The product was short of the declared weight.)

DISPOSITION: March 8, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

CORN MEAL

15960. Adulteration of corn meal. U. S. v. John W. Eshelman & Sons. Plea of guilty. Fine, \$1,000. (F. D. C. No. 28214. Sample Nos. 47770-K, 47773-K.)

INFORMATION FILED: January 30, 1950, Southern District of Ohio, against John W. Eshelman & Sons, a corporation, Circleville, Ohio.

ALLEGED SHIPMENT: On or about September 30 and October 4, 1949, from the State of Ohio into the States of Virginia and West Virginia.

LABEL, IN PART: "Eshelman Red Rose Corn Meal."

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,