

**18754. Adulteration of cocoa beans. U. S. v. 175 Bags \* \* \* (and 1 other seizure action).** (F. D. C. No. 30139. Sample Nos. 74158-K, 74159-K.)

**LIBELS FILED:** November 16, 1950, Northern District of New York.

**ALLEGED SHIPMENT:** On or about November 24, 1949, and January 7, 1950, from Port of Spain, Trinidad.

**PRODUCT:** 425 200-pound bags of cocoa beans at Fulton, 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 insects and wormy beans, and of a decomposed substance by reason of the presence of moldy beans. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 7, 1951. Peter, Cailler, Kohler Swiss Chocolate Co., Inc., Fulton, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for the purpose of salvaging the fit portion, under the supervision of the Federal Security Agency. The salvaging operations resulted in the destruction of 4,980 pounds of the product as unfit.

**18755. Adulteration of cocoa beans. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 32287. Sample No. 7270-L.)**

**LIBEL FILED:** December 18, 1951, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 14, 1951, from Brazil.

**PRODUCT:** 100 140-pound bags of cocoa beans at Rochester, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 21, 1952. Wessel, Duval & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be fumigated and cleaned and the unfit portion segregated and destroyed, under the supervision of the Federal Security Agency. Segregation operations resulted in the salvaging of 94 130-pound bags of cocoa. The rejected portion, amounting to 520 pounds, was denatured.

### SIRUP

**18756. Adulteration and misbranding of sorghum sirup. U. S. v. 163 Cans \* \* \*. (F. D. C. No. 32304. Sample No. 34204-L.)**

**LIBEL FILED:** January 2, 1952, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about November 15, 1951, by G. L. Rutledge, from Walnut, Miss.

**PRODUCT:** 163 1-gallon cans of sorghum sirup at Memphis, Tenn.

**LABEL, IN PART:** "Sorghum."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of sorghum, sugar, and corn sirup had been substituted for sorghum; and, Section 402 (b) (4), sugar and corn sirup had been added to the product and mixed and packed with it so as to increase its bulk or weight.

Misbranding, Section 403 (a), the label designation "Sorghum" was false and misleading; Section 403 (e) (2), the product failed to bear a label con-

taining an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** February 6, 1952. The Kass Produce Co., Memphis, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**18757. Misbranding of sorghum sirup. U. S. v. 160 Cans \* \* \*. (F. D. C. No. 32317. Sample No. 34205-L.)**

**LIBEL FILED:** January 2, 1952, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about October 29, 1951, by John Woods, from Thrasher, Miss.

**PRODUCT:** 160 1-gallon cans of sorghum sirup at Memphis, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture containing corn sirup and sucrose had been substituted for pure sorghum sirup.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food, pure sorghum sirup; 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; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and it failed to bear a label statement of the common or usual names of such ingredients.

**DISPOSITION:** May 14, 1952. John Woods, Memphis, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**18758. Adulteration of flour. U. S. v. 52 Bags \* \* \*. (F. D. C. No. 32630. Sample No. 48235-L.)**

**LIBEL FILED:** January 26, 1952, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about July 26, 1950, from Grand Forks, N. Dak.

**PRODUCT:** 52 100-pound bags of flour at Mason City, Iowa, in possession of the Mason City Warehouse Corp.

**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 urine and insects; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 6, 1952. The Russell-Miller Milling Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and conversion into animal feed, or destruction of the unfit portion, under the supervision of the Federal Security Agency. The entire lot was denatured for use as animal feed.