

CHOCOLATE, SUGAR, AND RELATED PRODUCTS**CHOCOLATE AND COCOA**

19057. Adulteration of chocolate coating. U. S. v. 30 Bales * * *. (F. D. C. No. 31847. Sample No. 11541-L.)

LIBEL FILED: September 26, 1951, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about March 15, 1950, from Lititz, Pa.

PRODUCT: 30 200-pound bales of chocolate coating at Martel, Tenn.

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 and insect parts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 19, 1951. E. S. Armstrong, Sr., trading as the Armstrong Candy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured and destroyed.

19058. Adulteration and misbranding of cocoa. U. S. v. 46 Bags * * *. (F. D. C. No. 32958. Sample Nos. 6404-L, 6405-L.)

LIBEL FILED: March 18, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 11, 1952, from Brazil.

PRODUCT: 46 100-pound bags of cocoa at Boston, Mass.

RESULTS OF INVESTIGATION: The cocoa was shipped in cake form and was ground and repackaged in Boston, Mass. Flour was added during grinding.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), flour had been substituted in part for cocoa; and, Section 402 (b) (4), flour had been added to the product and mixed and packed with it so as to increase its bulk and weight. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cocoa since it contained flour which is not a permitted optional ingredient.

DISPOSITION: July 21, 1952. Samuel Feinberg and William Feinberg, trading as the Clinton Chocolate Co., Boston, Mass., 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 reprocessed to make a chocolate-flavored cornstarch dessert mix and labeled accordingly, under the supervision of the Federal Security Agency.

19059. Adulteration and misbranding of cocoa. U. S. v. 9 Bags * * *. (F. D. C. No. 32990. Sample No. 38026-L.)

LIBEL FILED: April 1, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about February 15 and 29, 1952, by the Clinton Chocolate Co., from Boston, Mass.

PRODUCT: 9 100-pound bags of cocoa at New York, N. Y.

LABEL, IN PART: "Harvard Brand Cocoa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), flour had been substituted in part for cocoa; and, Section 402 (b) (4), flour had been added to the product and mixed and packed with it so as to increase its bulk and weight.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cocoa since it contained flour which is not a permitted ingredient.

DISPOSITION: July 31, 1952. The Clinton Chocolate Co., Boston, Mass., 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 reprocessed and relabeled, under the supervision of the Federal Security Agency. The product was converted to a dessert mix.

SIRUP

19060. Adulteration and misbranding of sorghum sirup. U. S. v. James R. Lewis and Lloyd O. Lewis (J. R. Lewis). Pleas of guilty. Each defendant fined \$50. (F. D. C. No. 32717. Sample No. 31467-L.)

INFORMATION FILED: September 4, 1952, Southern District of Illinois, against James R. Lewis and Lloyd O. Lewis, trading as J. R. Lewis, at Granite City, Ill.

INTERSTATE SHIPMENT: On or about December 6, 1951, from the State of Louisiana into the State of Illinois, of a quantity of sirup consisting principally of glucose and sugar sirup.

ALLEGED VIOLATION: On or about December 6, 1951, while the product was being held for sale after shipment in interstate commerce, the defendants, at Granite City, Ill., caused labels describing the product as "Sorghum" to be affixed to a number of cans of the sirup, which act of the defendants resulted in the product being adulterated and misbranded.

LABEL, IN PART: (Cans) "Good Old Country Sorghum A Health Food J. R. Lewis * * * Granite City, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), sirup consisting principally of glucose and sugar sirup had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, namely, sorghum; and, Section 403 (a), the label statement "Sorghum" was false and misleading since the article was not sorghum.

DISPOSITION: September 8, 1952. The defendants having entered pleas of guilty, the court imposed a fine of \$50 against each defendant.

SUGAR

19061. Adulteration of sugar. U. S. v. 1,000 Bags * * *. (F. D. C. No. 33300. Sample No. 26623-L.)

LIBEL FILED: June 19, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 21, 1952, from Cuba.

PRODUCT: 1,000 100-pound bags of sugar at Philadelphia, Pa., in the possession of the Pennsylvania Warehouse & Safe Deposit Co.

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

DISPOSITION: July 10 and October 28, 1952. Olavarria & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of