

"The second has been decided against it in *230 Boxes of Fish v. United States*, 168 F (2) 361 (6th Cir.).

"In full accord with these decisions, we content ourselves with saying so, and, on their authority, order the decree affirmed."

On March 3 and 10, 1952, upon the joint motions of the Government and the claimant, orders were entered directing that each lot of the product be destroyed.

**19602. Misbranding of ground coffee. U. S. v. 3,772 Cans \* \* \*. (F. D. C. No. 34524. Sample No. 4580-L.)**

**LABEL FILED:** January 2, 1953, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about August 22, 1952, by the Producers Warehouse, from Chicago, Ill., for J. Aron & Co., Inc., New York, N. Y.

**PRODUCT:** 3,772 cans of ground coffee at Beckley, W. Va.

**LABEL, IN PART:** "One pound Net Weight Pure Ground Coffee Vacuum Packed."

**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 article was short of the declared weight).

**DISPOSITION:** February 13, 1953. J. Aron & Co., Inc., 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 brought into compliance with the law, under the supervision of the Federal Security Agency.

**19603. Adulteration of hops concentrate. U. S. v. 4 Cases, etc. (F. D. C. No. 34136. Sample No. 57249-L.)**

**LABEL FILED:** On or about November 14, 1952, District of Maryland.

**ALLEGED SHIPMENT:** On or about September 22, 1950, from Cincinnati, Ohio.

**PRODUCT:** 4 cases, each containing 8 10-pound cans, and 10 cases, each containing 8 9-pound cans, of hops concentrate at Baltimore, Md.

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

**DISPOSITION:** December 5, 1952. Default decree of condemnation and destruction.

## CANDY, SIRUP, AND SUGAR

### CANDY

**19604. Adulteration of candy. U. S. v. 124 Cases \* \* \*. (F. D. C. No. 34214. Sample No. 41236-L.)**

**LABEL FILED:** November 12, 1952, District of Hawaii.

**ALLEGED SHIPMENT:** On or about October 21, 1952, by the Imperial Candy Co., from Seattle, Wash.

**PRODUCT:** 124 cases, each containing 6 12-ounce boxes, of candy at Honolulu, T. H.

**LABEL, IN PART:** (Box) "Victoria Creams Almond Crespa Bear Claws Societe."

**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 insect parts.

**DISPOSITION:** December 3, 1952. American Factors, Ltd., Honolulu, T. H., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be destroyed.

**19605. Adulteration and misbranding of candy. U. S. v. 53 Dozen Boxes \* \* \***  
(F. D. C. No. 32947. Sample No. 33698-L.)

**LIBEL FILED:** March 14, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 15, 1952, by Dagmar Candy Mfg. Co., Inc., from Newark, N. J.

**PRODUCT:** 53 dozen boxes of candy at Chicago, Ill.

**LABEL, IN PART:** (Box) "The Original Whistle-Pop Net Weight 4½ Ounces 10 Delicious Lollypops that Whistle."

**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 hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short of the declared weight).

**DISPOSITION:** June 17, 1952. Default decree of condemnation and destruction. On June 19, 1952, an amended decree was entered to provide for the delivery of a portion of the product to the Food and Drug Administration.

#### SIRUP

**19606. Adulteration and misbranding of sorghum sirup. U. S. v. 17 Cases, etc.**  
(F. D. C. No. 34011. Sample No. 53152-L.)

**LIBEL FILED:** On or about October 20, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about September 20, 1952, by M. Dawson, from West Monroe, La.

**PRODUCT:** 17 cases, each containing 12 ½-gallon cans, and 6 cases, each containing 6 1-gallon cans, of sorghum sirup at Springfield, Mo.

**LABEL, IN PART:** "Sorghum made for and guaranteed by M. Dawson & Son, Springdale, Arkansas \* \* \* made from sorghum grain and cane juice \* \* \* citric acid added to prevent crystallization."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of glucose, sucrose, invert sugar, water, and a small amount of mineral matter had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (a), the label designation "Sorghum" was false and misleading as applied to a mixture of glucose, sucrose, invert sugar, water, and a small amount of mineral matter; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and it failed to bear a label stating the common or usual name of each ingredient.

**DISPOSITION:** November 1952. M. Dawson, 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 brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.