

CHOCOLATE AND COCOA PRODUCTS*

20011. Adulteration and misbranding of chocolate malt flavored sirup. U. S. v. 4 Cases * * *. (F. D. C. No. 33677. Sample No. 36263-L.)

LABEL FILED: September 4, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 13 and July 3, 1952, by Berko Malted Milk Co., Inc., from Brooklyn, N. Y.

PRODUCT: 4 cases, each containing 24 22-ounce bottles, of chocolate malt flavored sirup at Cleveland, Ohio. Analysis disclosed that the product contained 64 percent of the declared amount of vitamin B₁.

LABEL, IN PART: "Cook Book Chocolate Malt Flavored Syrup With Vitamins B₁ D G."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statements "Each Ounce Contains * * * Vitamin B₁ * * * 222 USP Units" and "2 Ounces * * * Daily, Will Provide 100% of Daily Minimum Requirements of Vitamin B₁" were false and misleading since the article contained less than the declared amount of vitamin B₁; and, Section 403 (f), the statement of the quantity of the contents required by the law to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: October 2, 1952. Default decree of condemnation and destruction.

20012. Adulteration of cocoa beans and oregano leaves. U. S. v. 773 Bags, etc. (F. D. C. No. 33246. Sample Nos. 36964-L, 37269-L, 38606-L, 38608-L, 38609-L.)

LABEL FILED: May 14, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 30, 1950, and November 22 and 23 and December 13, 1951, from various foreign countries.

PRODUCT: 1,820 140-pound bags of cocoa beans and 44 108-pound bags of oregano leaves at Brooklyn, N. Y., in the possession of Beard's Erie Basin, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 16 and July 1, 1952. A. C. Israel Commodity Co., Inc., New York, N. Y., claimant for the cocoa beans, and Morris J. Golombeck, Inc., New York, N. Y., claimant for the oregano leaves, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

2,877 pounds of skimmings were removed from the bags of cocoa beans and were commingled with 4,908 pounds of skimmings from the 523-bag lot and 9-bag lot of cocoa beans involved in the case reported in notice of judgment No. 20008. The commingled skimmings were screened, with the result that

*See also No. 20008.

661 pounds were removed as unfit and were destroyed. 466 pounds of oregano leaves were segregated as unfit and were destroyed.

20013. Adulteration of cocoa butter. U. S. v. 4 Bags * * *. (F. D. C. No. 33309. Sample No. 37268-L.)

LIBEL FILED: June 25, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 25, 1950, from Brazil.

PRODUCT: 4 150-pound bags of cocoa butter at Brooklyn, N. Y., in the possession of Beard's Erie Basin, Inc.

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: October 27, 1952. Default decree of condemnation and destruction.

20014. Adulteration of cocoa sweeps, coffee sweeps, tea sweeps, chilies, ginger, and bulgur. U. S. v. 35 Bags, etc. (F. D. C. No. 33947. Sample Nos. 50833-L to 50837-L, incl.)

LIBEL FILED: October 22, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On various unknown dates from places outside the State of New York.

PRODUCT: 35 bags of cocoa sweeps, 16 bags of coffee sweeps, 13 paper bags, 1 jute bag, 1 drum, and 2 cartons of tea sweeps, 1 butt of chilies, 1 bag of ginger, and 1 bag of bulgur, at Brooklyn, N. Y., in the possession of J. Mammano.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects (in the bulgur) and an excessive amount of extraneous filthy material (in the other articles); and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 15, 1953. Default decree of condemnation and destruction.

SIRUP AND SUGAR*

20015. Adulteration and misbranding of sorghum sirup. U. S. v. 401 Cases, etc. (F. D. C. No. 33992. Sample No. 53155-L.)

LIBEL FILED: On or about October 27, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 24, 1952, by M. Dawson, from West Monroe, La.

PRODUCT: Sorghum sirup. 401 cases, each containing 6 5-pound jars, and 56 cases, each containing 6 10-pound buckets, at Joplin, Mo.

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

Misbranding, Section 403 (a); the label designation "Sorghum" was false and misleading; and, Section 403 (i) (2), the product was fabricated from

*See also No. 20008.