

BEVERAGES AND BEVERAGE MATERIALS*

20301. Adulteration of root beer. U. S. v. I. B. C. Root Beer Co. and Jacob Shucart. Pleas of nolo contendere. Fine of \$500 against company and \$250 against individual. (F. D. C. No. 33860. Sample No. 53744-L.)

INFORMATION FILED: March 2, 1953, Eastern District of Missouri, against the I. B. C. Root Beer Co., a corporation, St. Louis, Mo., and Jacob Shucart, president and treasurer of the corporation.

ALLEGED SHIPMENT: On or about September 2, 1952, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "I. B. C. Root Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 3, 1953. The defendants having entered pleas of nolo contendere, the court fined the company \$750 and the individual \$250. On July 29, 1953, the court entered an order reducing the fine against the company to \$500.

20302. Adulteration and misbranding of coffee. U. S. v. 376 Cans * * *. (F. D. C. No. 34649. Sample No. 51598-L.)

LABEL FILED: February 9, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about January 12, 1953, by the North American Sweets Corp., from Brooklyn, N. Y.

PRODUCT: 376 cans of coffee at Passaic, N. J.

LABEL, IN PART: "Harvest House Quality Coffee Product Pure Coffee Combined With Added Dextrins & Maltose Coffee Lovers Say 'Best Cut Ever' * * * Net Wt. 15 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), a cereal product had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality.

Misbranding, Section 403 (a), the label statements "Quality Coffee Product * * * Coffee Lovers Say * * * All Purpose Grind * * * Fresh Roasted" were false and misleading since these statements implied that the article was roasted and ground coffee without additives. Further misbranding, Section 403 (d), the container was so filled as to be misleading since only 15 ounces of the product were packed in a standard size 1-pound can; and, Section 403 (f), the information required by law to appear on the label, namely, the statement of the quantity of the contents, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, and devices on the label) as to render such statement likely to be read by the ordinary individual under customary conditions of purchase and use since the statement of the quantity of the contents was printed on the side rear portion of the label.

DISPOSITION: April 2, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization for its use and not for sale.

20303. Adulteration of green coffee. U. S. v. 50 Bags * * *. (F. D. C. No. 33523. Sample No. 37864-L.)

LABEL FILED: August 26, 1952, Eastern District of New York.

*See also Nos. 20332-20336, 20348.

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

PRODUCT: 50 bags each containing 160 pounds, of green coffee at Brooklyn, N. Y.

LABEL, IN PART: (Bag) "Standard Coffee Triages Product of Haiti Green Coffee S C I Selected Haiti 447 P."

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 manure and other extraneous material.

DISPOSITION: March 26, 1953. The Brazilian Minerals & Timbers Corp., New York, N. Y., agent for Societe Industrielle Capoise Cap-Haitien, 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 repacked under the supervision of the Food and Drug Administration. As a result of the reprocessing operations, 1,738 pounds of the product were found unfit and were denatured.

20304. Adulteration of coffee sweepings. U. S. v. 300 Pounds * * *. (F. D. C. No. 34957. Sample No. 50867-L.)

LIBEL FILED: April 17, 1953, Eastern District of New York.

ALLEGED SHIPMENT: The product was imported from a foreign country on an unknown date.

PRODUCT: 300 pounds of coffee sweepings in 3 bags at Brooklyn, 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 dirt, stones, and miscellaneous debris. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 29, 1953. Default decree of condemnation and destruction.

20305. Adulteration of coffee sweepings and cocoa sweepings. U. S. v. 10 Bags, etc. (F. D. C. No. 34148. Sample Nos. 37882-L, 37883-L.)

LIBEL FILED: November 24, 1952, Eastern District of New York.

ALLEGED SHIPMENT: At different times from various foreign countries.

PRODUCT: 10 bags of coffee sweepings and 2 bags of cocoa sweepings at Brooklyn, N. Y.

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 dirt, wood splinters, rodent excreta, and extraneous material. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 18, 1953. Default decree of condemnation and destruction.

CANDY AND SIRUP

CANDY

20306. Misbranding of candy. U. S. v. 41 Cases * * *. (F. D. C. No. 34693. Sample No. 44530-L.)

LIBEL FILED: March 2, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 12, 1953, by the Windsor Toffee Co., from Brooklyn, N. Y.

PRODUCT: 41 cases, each containing 24 bags, of candy at Boston, Mass.