

**LABEL, IN PART:** "Harvard Brand Cocoa Distributed by J. F. Braun & Son Inc. New York N. Y." or "North Star Cocoa Clinton Chocolate Co."

**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 article and mixed and packed with it so as to increase its bulk and weight.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as cocoa, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard since it contained flour, which is not permitted as an optional ingredient of cocoa in such definition and standard.

**DISPOSITION:** July 21, 1953. The defendant having entered a plea of guilty, the court fined him \$500.

### CONFECTIONERY

**20662. Misbranding of Raspberry Tweet. U. S. v. 24 Cartons\* \* \*. (F. D. C. No. 34654. Sample No. 44606-L.)**

**LABEL FILED:** February 5, 1953, District of Maine.

**ALLEGED SHIPMENT:** On or about December 22, 1952, by Tweet, Inc., from Cambridge, Mass.

**PRODUCT:** 24 cartons, each containing 12 7½-ounce jars, of Raspberry Tweet at Gardiner, Maine.

**LABEL, IN PART:** (Jar) "Raspberry Tweet For A Treat Super Whipped Marshmallow Contains corn syrup, dextrose, fresh and dried egg whites, salt, artificial flavoring and color."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the word "Raspberry" and the vignette on the label depicting two clusters of red raspberries were false and misleading since they created the impression that the product contained red raspberries. (Examination disclosed that the product was artificially colored and flavored marshmallow.)

**DISPOSITION:** May 21, 1953. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

### SIRUP

**20663. Adulteration and misbranding of sorghum sirup and cane sirup. U. S. v. Leroy Morehead. Plea of guilty. Fine, \$50. (F. D. C. No. 32820. Sample Nos. 34202-L, 34203-L.)**

**INFORMATION FILED:** October 22, 1952, Southern District of Mississippi, against Leroy Morehead, Conehatta, Miss.

**ALLEGED SHIPMENT:** On or about November 11, 1951, from the State of Mississippi into the State of Tennessee.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting of a blend of sorghum, corn sirup, and sugar had been substituted in whole or in part for sorghum, and a substance consisting of a blend of cane sirup and corn sirup had been substituted for cane sirup.

Misbranding, Section 403 (b), the articles were offered for sale under the names of other foods, namely, sorghum and cane sirup; Section 403 (e) (1) and (2), the articles failed to bear labels 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), the articles were fabricated

from two or more ingredients, and they failed to bear a label containing the common or usual name of each such ingredient.

DISPOSITION: September 21, 1953. The defendant having entered a plea of guilty, the court fined him \$50.

## SUGAR

20664. Adulteration of sugar. U. S. v. 8 Bags, etc. (F. D. C. No. 35507. Sample Nos. 62747-L, 62748-L.)

LIBEL FILED: September 24, 1953, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about December 5, 1952, and August 8, 1953, from Reserve, La.

PRODUCT: 8 100-pound bags and 149 25-pound bags of sugar at Forrest City, Ark., in the possession of the Forrest City Grocery Co.

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 excreta and rodent urine; 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: October 26, 1953. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

## DAIRY PRODUCTS

### BUTTER

20665. Adulteration of butter. U. S. v. 459 Boxes (27,540 pounds) \* \* \*. (F. D. C. No. 35541. Sample No. 58967-L.)

LIBEL FILED: June 5, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 23, 1953, by the Rice Lake Creamery Co., from Rice Lake, Wis.

PRODUCT: 459 60-pound boxes of butter at Chicago, Ill.

LABEL, IN PART: "The Great A & P Tea Co. Distributor Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 18, 1953. The Rice Lake Creamery Co., 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 the reworking of the portion of the product which contained less than 80 percent of milk fat, under the supervision of the Department of Health, Education, and Welfare.

20666. Adulteration of butter. U. S. v. 51 Boxes (3,264 pounds) \* \* \*. (F. D. C. No. 35540. Sample No. 45324-L.)

LIBEL FILED: June 8, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 27, 1953, by the Lynn County Farmers Mutual Creamery Association, from Coggon, Iowa.

PRODUCT: 51 64-pound boxes of butter at Cambridge, Mass.