

BEVERAGES AND BEVERAGE MATERIALS

21751. Adulteration of coffee. U. S. v. Andrew's Coffee Co., Inc., and Andrew G. Sotero. Pleas of guilty. Fine of \$2,500 against corporation and \$1,500 against individual. (F. D. C. No. 36657. Sample Nos. 52900-L, 75472-L, 84174-L.)

INFORMATION FILED: December 13, 1954, Southern District of New York, against Andrew's Coffee Co., Inc., New York, N. Y., and Andrew G. Sotero, president of the corporation.

ALLEGED SHIPMENT: On or about January 14, February 1, and April 7, 1954, from the State of New York into the States of Pennsylvania, Virginia, and New Jersey.

LABEL, IN PART: (Bag) "Andrew's Superior Quality Coffee Weight One Pound 'The Talk of the Town'"; (can) "Vacuum Packed—Drip Grind Andrew's Superior Quality Coffee" and "Andrew's Superior Quality American Roast Coffee Net Wt. 1 lb. Vacuum Packed."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), the article consisted in part of chickpeas.

DISPOSITION: January 31, 1955. The defendants having entered pleas of guilty, the court fined the corporation \$2,500 and the individual \$1,500.

21752. Adulteration of coffee. U. S. v. 23 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 36553, 36567, 36790. Sample Nos. 75472-L to 75474-L, incl., 75557-L.)

LIBEL FILED: May 11 and 13, 1954, Eastern District of Virginia.

ALLEGED SHIPMENT: Between the approximate dates of September 16, 1953, and February 23, 1954, by Andrew's Coffee Co., Inc., from New York, N. Y.

PRODUCT: 23 cases, 10 cases, and 93 cases, each case containing 12 cans, of coffee at Norfolk, Va. A net weight of 3 pounds was declared on the labels of the cans.

LABEL, IN PART: (Can) "Vacuum Packed * * * Coffee Carefully Selected, Blended And Packed," "Vacuum Packed—Drip Grind Andrew's Superior Quality Coffee," and "Vacuum Packed Andrew's Superior Quality Coffee."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (23 cases and 93 cases) the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; Section 402 (b) (2), (all lots) a mixture of coffee and chickpeas had been substituted in whole or in part for coffee; and, Section 402 (b) (4), (all lots) chickpeas had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (a), (10 cases and 93 cases) the label statement "Superior Quality Coffee" was false and misleading as applied to a mixture of ground roasted coffee and chickpeas; and, Section 403 (e) (2), (23 cases) the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short weight).

DISPOSITION: September 10, 1954. Default decree of condemnation and destruction.