

5428. Adulteration and misbranding of cocoa. U. S. * * * v. Henry V. Stollwerck (Victor Chocolate Works). Plea of guilty. Fine, \$25. (F. & D. No. 8000. I. S. Nos. 1206-m, 1218-m.)

On March 8, 1917, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry V. Stollwerck, trading as the Victor Chocolate Works, Jersey City, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 11, 1916, and June 13, 1916, from the State of New Jersey into the State of New York, of quantities of articles labeled in part: "Peerless Cocoa" and "Jersey Pride Brand Cocoa," respectively, which were adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment of August 11, 1916.

Fat (per cent)_____	14. 10
Total ash (per cent)_____	8. 71
Water-insoluble ash (per cent)_____	5. 42
Crude fiber (per cent)_____	7. 92

Shipment of June 13, 1916.

Fat (per cent)_____	20. 00
Total ash (per cent)_____	7. 83
Water-insoluble ash (per cent)_____	5. 90
Crude fiber (per cent)_____	6. 64

The above results show the presence of added cacao shells, which was also indicated by microscopical examination.

Adulteration of the article in each shipment was alleged in the information for the reason that a certain substance, to wit, cacao shells, had been substituted in part for cocoa which the article purported to be, and had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement, to wit, "Cocoa," appearing on the label, regarding the article and the ingredients and substance contained therein, was false and misleading in that it represented to purchasers that the article consisted wholly of cocoa; and for the further reason that it was labeled, "Cocoa," so as to deceive and mislead purchasers into the belief that it consisted wholly of cocoa, when, in truth and in fact, it did not, but consisted of, to wit, a mixture of cocoa and added cacao shells.

On March 19, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*