

5579. Misbranding of "Ice Wafers" and "Kakone Brand High Grade Cones." U. S. * * * v. The Independent Biscuit Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 8109. I. S. Nos. 1401-1, 4333-1.)

On March 30, 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 the Independent Biscuit Co., a corporation, doing business at Jersey City, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 15, 1916, and July 20, 1915, from the State of New Jersey into the States of Massachusetts and Connecticut, respectively, of quantities of articles labeled in part, "Ice Wafers" and "Kakone Brand High Grade Cones," which were misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the "Ice Wafers" were colored with tartrazine, S. & J. No. 94, and croceine orange, S. & J. No. 13; and that the "Cones" were colored with tartrazine, S. & J. No. 94, and croceine orange, S. & J. No. 13.

Misbranding of the "Ice Wafers" was alleged in the information for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the box, to wit, "Colors used Guaranteed U. S. Certified," was false and misleading in that it represented to purchasers that the coloring material used in said article was a coloring material certified by the United States; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the coloring material used in said article was certified by the United States, whereas, in truth and in fact, it was not, but contained and was mixed with a dye or dyes prohibited by the rules and regulations, promulgated by the United States, to be used in foods.

Misbranding of the "Kakone Brand Cones" was alleged for the reason that the statement concerning the article and the ingredients and substances contained therein, appearing on the label of the boxes, to wit, "Artificially Colored with U. S. Certified Colors," was false and misleading in that it represented to purchasers that the coloring material used in said article was certified by the United States; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article was colored with a coloring material which was certified by the United States, whereas, in truth and in fact, the said coloring material was not certified by the United States, but was mixed with a dye or dyes prohibited by the United States, in its rules and regulations, to be used in foods.

On May 1, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*