

502. Misbranding of prune juice. U. S. v. 20 Cases of Prune Juice. Default decree of condemnation and forfeiture. Product distributed to charitable organizations. (F. D. C. No. 1338. Sample No. 83452-D.)

Examination showed the containers of this product to be short of the declared volume, the average shortage being 7.87 percent.

On January 11, 1940, the United States attorney for the Southern District of California filed a libel against 20 cases, each containing 6 cans, of the juice of dried prunes at Los Angeles, Calif., alleging that the article had been shipped in interstate-commerce on or about December 18, 1939, by H. S. Gile & Co. from Salem, Oreg.; and charging that it was misbranded. The article was labeled in part: "Oregon State Prize Brand Unsweetened Juice of Oregon Dried Prunes Water Added. * * * Net Contents 98.8 Fluid Ounces."

It was alleged to be misbranded in that its labeling was false and misleading. It was alleged to be misbranded further in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On April 16, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered delivered to charitable organizations.

503. Adulteration of tomato juice. U. S. v. 621 Cases, 70 Cases, and 336 Dozen Cans of Tomato Juice. Decrees of condemnation and destruction. (F. D. C. Nos. 1369, 1446, 1447. Sample Nos. 68641-D, 85617-D, 86261-D.)

This product was found to contain excessive mold, indicating the presence of decomposed material.

On January 17 and February 5, 1940, the United States attorneys for the District of New Jersey and the Southern District of New York filed libels against 621 cases of tomato juice at Newark, N. J., and 70 cases and 336 dozen cans of tomato juice at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 13 and November 1, 1939, by the Apte Bros. Canning Co. from Milton, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The product was labeled in part: "Iona Tomato Juice * * * Packed for the Great Atlantic & Pacific Tea Co., Distributors, New York, N. Y."

On April 26 and May 15, 1940, the Apte Bros. Canning Co., claimant in both cases, having defaulted in the action instituted in the Southern District of New York and having consented to the entry of a decree in the action instituted in the District of New Jersey, judgments of condemnation were entered, and it was ordered that the product be destroyed and that the costs be taxed against the claimant.

COFFEE AND TEA

504. Adulteration and misbranding of coffee. U. S. v. 9 Cartons of Coffee. Default decree of condemnation and destruction. (F. D. C. No. 1433. Sample No. 65126-D.)

Examination of this product showed that it was a mixture of coffee, cereal, and seeds of foxtail grass.

On February 2, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 9 cartons, each containing 30 bags of coffee, at Stanford, Ky., alleging that the article had been shipped in interstate commerce on or about January 13, 1939, by the Koenig Coffee Co., from Cincinnati, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Koenig's Fresh Roasted Spoon Coffee * * * Packed By the J. Henry Koenig Co., Cincinnati."

The article was alleged to be adulterated in that a mixture of coffee, cereal, and seeds of foxtail grass had been substituted wholly or in part for coffee; and in that cereal and foxtail grass seeds had been added to or mixed therewith so as to reduce its quality or strength.

It was alleged to be misbranded in that the statement "Coffee" was false and misleading when applied to a mixture of coffee, cereal, and foxtail grass seeds; and in that it was offered for sale under the name of another food.

On February 27, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization or association, since it was not deleterious and was fit for human consumption.

505. Misbranding of tea. U. S. v. 90 Packages and 91 Packages of Tea. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. Nos. 707, 708. Sample Nos. 47837-D, 47838-D.)

This product was in packages that were much larger than necessary to hold the declared amount of tea, it was short of the declared weight, and on the

label of one lot the weight was stated in terms of grams, which unit of weight is not familiar to many persons.

On or about October 10, 1939, the United States attorney for the Western District of Virginia filed a libel against 181 packages of tea at Danville, Va., consigned by Stephen Leeman Products Corporation, alleging that the article had been shipped in interstate commerce on or about July 6, 1939, from Sparkill, N. Y.; and charging that it was misbranded. The article was labeled in part: "Ming Orange Pekoe Choicest Tea Net Weight 7 Ounces"; and "Ming Blend of Orange Pekoe Tea Net Weight Over 70 Grams. Stephen Leeman Products Corp'n."

Both brands were alleged to be misbranded in that the statements, "Net Weight 7 Ounces" and "Net Weight Over 70 Grams," were false and misleading since they were incorrect. Both lots were alleged to be misbranded further in that their containers were so made, formed, or filled as to be misleading; and in that they were in package form and did not bear an accurate statement of the quantity of contents. The Ming Blend tea was alleged to be misbranded further in that the statement of the quantity of contents, required by law to appear on the label, was not placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the term "grams" is not familiar to many purchasers.

On March 22, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be delivered to a charitable organization for its own use.

506. Misbranding of tea balls. U. S. v. 14 Cartons of Tea Balls. Default decree of condemnation. Product ordered delivered to a public welfare organization. (F. D. C. No. 1435. Sample No. 87531-D.)

These tea balls were packed in cartons, each carton containing 8 paper envelopes, each of which contained a filter-paper bag of tea. The envelopes were about twice as large as necessary and were loosely packed in the carton. The carton could easily have held twice the amount of tea bags.

On or about February 3, 1940, the United States attorney for the Southern District of Florida filed a libel against 14 cartons, each containing 288 retail cartons, of tea balls at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about January 8, 1940, by Standard Brands, Inc., from Hoboken, N. J.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Tender Leaf Brand * * * Tea."

On April 23, 1940, Standard Brands, Inc., having withdrawn its claim and no other claimant having appeared, judgment of condemnation was entered, the court retaining jurisdiction, however, for the purpose of entering further orders as to the disposition of the product. On May 1, 1940, the product was ordered delivered to a public welfare organization.

WHISKY.

507. Adulteration of whisky. U. S. v. 1 Barrel of Whisky. Default decree of condemnation and destruction. (F. D. C. No. 1801. Sample No. 4743-E.)

This product contained excessive quantities of aldehydes.

On April 11, 1940, the United States attorney for the Northern District of Illinois filed a libel against 1 barrel of whisky at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 7, 1939, by Tom Moore Distillery from Bardstown, Ky.; and charging that it was adulterated.

It was alleged to be adulterated in that a substance which contained excessive quantities of aldehydes had been substituted wholly or in part for whisky, and had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

On May 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR

Nos. 508 to 514 of this publication report the seizure and disposition of flour which was in interstate commerce at the time of examination and was found to be insect-infested at that time.