

## CHOCOLATE-MALTED MILK

**1702. Adulteration and misbranding of chocolate-malted milk. U. S. v. 38 Cans of Chocolate-Flavored Malted Milk. Default decree of condemnation and destruction. (F. D. C. No. 3879. Sample No. 36767-E.)**

This product was deficient in malted milk and contained only approximately one-half the amount of vitamin B declared in the label.

On February 26, 1941, the United States attorney for the District of Massachusetts filed a libel (amended on or about March 11, 1941) against 38 cans of the above-named product at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 13, 1940, by the Richardson Laboratories Co. from Toledo, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Freshman's Vitamized Chocolate Flavored Malted Milk \* \* \* Distributed by Freshman Vitamin Co., Detroit, Mich."

The article was alleged to be adulterated in that a substance consisting essentially of a mixture of sugar, cocoa, wheat germ embryo, a small amount of dried milk, and a small amount of malted milk had been substituted wholly or in part for "Vitamized Chocolate Flavored Malted Milk, Sweetened," which it purported to be; and in that a valuable substance, vitamin B, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statements, "Vitamized Chocolate Flavored Malted Milk, Sweetened" and "Contains not less than 200 international units Vitamin B per ounce" were false and misleading; and in that it was offered for sale under the name of another food.

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FRUIT JUICES

**1703. Adulteration of pineapple juice. U. S. v. 249, 250, and 806 Cases of Pineapple Juice. Default decrees of condemnation and destruction. (F. D. C. Nos. 3397, 3397-A, 3489. Sample Nos. 8213-E, 8214-E, 38433-E.)**

This product contained insect fragments and in some instances moldy pineapple tissues, and it had a taste and odor indicating decomposition.

Between November 18, 1940, and February 14, 1941, the United States attorney for the District of Minnesota filed libels against 1,305 cases of pineapple juice at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about August 7 and 8, 1940, by the Southwest Products Co. from McAllen, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "The Bounty Brand Pineapple Juice."

On January 31 and April 23, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1704. Adulteration of tomato juice. U. S. v. 157 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 3703. Sample No. 20919-E.)**

This product contained excessive mold, indicating the presence of decomposed material.

On January 27, 1941, the United States attorney for the Western District of North Carolina filed a libel against 157 cases of tomato juice at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about August 28, 1940, by the Apte Bros. from Woodside, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Lord Fairfax Brand Tomato Juice."

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1705. Adulteration of tomato juice. U. S. v. 149 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 4022. Sample No. 47415-E.)**

This product was undergoing progressive decomposition and had an unpleasant metallic taste.

On March 25, 1941, the United States attorney for the Northern District of Illinois filed a libel against 149 cases of tomato juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 3,

1940, by the Cedarburg Canneries, Inc., from Cedarburg, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Geoghegan's Delicious Tomato Juice."

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1706. Adulteration of tomato juice. U. S. v. 99 Cases of Tomato Juice. Consent decree of condemnation and destruction.** (F. D. C. No. 3949. Sample No. 47413-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On March 15, 1941, the United States attorney for the Northern District of Illinois filed a libel against 99 cases of tomato juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by the Loudon Packing Co. from Terre Haute, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottle) "Joe Grein's Delicious Tomato Juice."

On April 3, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1707. Misbranding of tomato juice. U. S. v. 31 Cases of Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 3953. Sample No. 32870-E.)

This product was short of the declared volume.

On March 13, 1941, the United States attorney for the District of Arizona filed a libel against 31 cases of tomato juice at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about August 12 and September 30, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Net Contents 7¼ Fld. Ozs. or .21438 liters Val Vita Brand Tomato Juice."

It was alleged to be misbranded in that the statement "Net Contents 7¼ Fld. Ozs. or .21438 liters" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CEREAL PRODUCTS

### FLOUR

Nos. 1708 to 1711 report the seizure and disposition of flour that was in interstate commerce at the time of examination and was found to be insect-infested at that time. It was not determined in Nos. 1709 and 1710 when such infestation occurred.

**1708. Adulteration of flour. U. S. v. 72 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 2808. Sample No. 35345-E.)

On September 19, 1940, the United States attorney for the Northern District of Florida filed a libel against 72 bags of flour at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about August 15, 1940, by the Morten Milling Co. from Dallas, Tex.; and charging that it was adulterated. The article was labeled in part: (Tag) "Texas Best \* \* \* Short Patent Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On March 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1709. Adulteration of flour. U. S. v. 45 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 2316. Sample No. 9238-E.)

This product was found to contain rodent hairs as well as insect fragments.

On July 5, 1940, the United States attorney for the Eastern District of Texas filed a libel against 45 sacks of flour at Athens, Tex., alleging that the article