

On July 17, 1943, Jules Barre, sole owner of the B & B Packing Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5106. Misbranding of coffee filler. U. S. v. 160 Cases of Coffee Filler. Default decree of condemnation and destruction. (F. D. C. No. 10008. Sample No. 3280-F.)

This product consisted of roasted rye with small amounts of barley and wheat, and was labeled to indicate that by mixing it with equal parts of coffee it would double the coffee ration. The statement of ingredients was inconspicuously placed on the label.

On or about May 28, 1943, the United States attorney for the Western District of Missouri filed a libel against 160 cases of an article labeled in part "Coffee Filler" at St. Joseph, Mo., which had been consigned on or about March 12, 1943, alleging that the article had been shipped in interstate commerce by the Mixit Cereal Coffee Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Mixit Coffee Filler (design) Doubles Coffee Ration! * * * Contains Specially Processed, Carefully Roasted Rye, Barley and Wheat."

The article was alleged to be misbranded (1) in that the statement "Doubles Coffee Ration" was false and misleading since it was untrue; (2) in that the name "Coffee Filler" was false and misleading as applied to an article containing no coffee; (3) in that the design bearing the word "Equals" in the center, with one cup of steaming liquid to the left and two cups of steaming liquid to the right, was false and misleading since one cup of coffee does not equal two cups of a mixture of coffee and the article; and (4) in that the statement of ingredients was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase.

On June 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5107. Misbranding of Coffee-Aid. U. S. v. 525 Bags of Coffee-Aid. Default decree of condemnation and destruction. (F. D. C. No. 9930. Sample No. 8749-F.)

On May 13, 1943, the United States attorney for the District of Minnesota filed a libel against 525 bags of Coffee-Aid at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about April 9, 1943, by M. H. Jacobs from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Coffee-Aid * * * Packed by Century Products Chicago, Ill."

The article was alleged to be misbranded in that the statement "Coffee-Aid Makes Coffee Go Twice as Far," borne on the label was false and misleading as applied to an article containing no coffee, and in that its label failed to bear the common or usual name of the food, ground, roasted barley.

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5108. Misbranding of Post's Cera-Co. U. S. v. 1,100 Cases of Post's Cera-Co. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9946. Sample No. 30991-F.)

On May 24, 1943, the United States attorney for the Western District of Washington filed a libel against 1,100 cases, each containing 36 bags, of Post's Cera-Co at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about March 8 to May 11, 1943, by the Post Quality Foods Co. from San Francisco and Los Angeles, Calif.; and charging that it was misbranded.

It was alleged to be misbranded (1) in that the statement on the bag, "A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory," was misleading as applied to a mixture containing little of no coffee extract; (2) in that the statement in the circular "To make Coffee go farther" was misleading as applied to a product having none of the characteristic properties of coffee; (3) in that the statements in the circular, "The combined use of Vitamins B-1 and Niacin is extremely beneficial to persons troubled with pellagra, allergies, nervousness, nutritional deficiency, sclerosis, diabetes, general weakness, poor appetite, gastric intestinal disturbances, decreased peristalsis (peristalsis), and poor lactation * * thus greatly benefits your health and vitality," were false and mis-