

article was labeled in part: (Bags) "25% Coffee Stretcher Roasted Mexican Garbanzos." The article was alleged to be misbranded (1) in that the statement "25% Coffee Stretcher" was misleading since it implied that the article consisted of 25 percent coffee, whereas it did not; (2) in that the statement "Coffee Stretcher," was misleading, since the article had none of the properties of coffee; and (3) in that its label failed to bear the common or usual name of the food, chick peas or garbanzo beans.

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5255. Adulteration and misbranding of coffee substitute. U. S. v. 49 Cases of Coffee Substitute. Default decree of condemnation and destruction.
(F. D. C. No. 10225. Sample No. 34108-F.)

On July 13, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 49 cases, each containing 24 packages, of a coffee substitute at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about April 22, 1943, by J. B. Robinson from Cleveland, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Packages) "Drink CoVee Prepare—The same as coffee Contains Pure Health Cereals * * * Contains No Caffeine COMPOUND Made from Fresh Roasted Soy Beans-Cereals and Chicory for Flavor," (display posters) "Enjoy Fresh Roasted Victory CoVee * * *," and "Nothing Better Than A Good Cup of CoVee The Original, and finest coffee substitute."

The article was alleged to be adulterated in that a mixture of roasted ground soy beans, roasted barley, and roasted malted barley have been substituted for roasted soy beans, cereals, and chicory, which the article purported and was represented to be.

It was alleged to be misbranded (1) in that the name "CoVee" on the package and the statements on the display poster, "Victory CoVee," "Nothing better than a good cup of CoVee The Original, and finest coffee substitute," were false and misleading as applied to a mixture of roasted ground soy beans, roasted barley, and roasted malted barley, which has none of the characteristics of the stimulating effect of coffee; and (2) in that the statement "Chicory for Flavor" was false and misleading since the article contained no chicory. It was alleged to be misbranded further (1) in that the statement on the packages and on one of the posters, "Contains Pure Health Cereals," was misleading since it would indicate that these particular cereals were necessary for maintenance of health; and (2) in that the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since "Cereal" is not the common or usual name of barley.

On September 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5256. Misbranding of coffee substitute. U. S. v. 25 Cases of Coffee Substitute. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10077. Sample No. 42275-F.)

Examination showed this product to be a mixture of ground roasted rye and 5 to 10 percent chicory. It contained no coffee.

On June 8, 1943, the United States attorney for the Middle District of Tennessee filed a libel against 25 cases of coffee substitute at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about April 12, 1943, by M. Livingston & Co., Inc., from Paducah, Ky.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement on the label, "A wonderful substitute for coffee," was false and misleading since it had none of the characteristics of coffee. It was alleged to be misbranded further in that the statements on the label, "High Grade Coffee Freshly Roasted" and "Where there's life—there's coffee! To make good coffee use enough—a heaping tablespoonful for each cup," were false and misleading as applied to a mixture of ground roasted rye and chicory. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since "Cereals" is not the common or usual name for roasted rye.

On July 8, 1943, M. Livingston & Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.