

**6074. Misbranding of candy. U. S. v. 45 Boxes of J&J Peanut Bar and 40 Boxes of Cocoanut Roll. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12446. Sample Nos. 35974-F, 35975-F.)**

**LIBEL FILED:** June 7, 1944, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about April 26, 1944, by the J & J Candy Co., Charlotte, N. C.

**PRODUCT:** A total of 85 boxes, each containing 30 bars, of candy at Gadsden, Ala.

**VIOLATION CHARGED:** Misbranding, Section 403 (a), in that the name "Peanut Bar" was misleading since the article contained puffed wheat in addition to peanuts; and in that the name "Cocoanut Roll" was misleading since the article contained corn flakes in addition to coconut.

**DISPOSITION:** July 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**6075. Misbranding of candy. U. S. v. 14 Cartons of Candy. Default decree of condemnation. Product ordered distributed to various charitable institutions. (F. D. C. No. 12886. Sample No. 33878-F.)**

**LIBEL FILED:** July 5, 1944, Western District of New York.

**ALLEGED SHIPMENT:** On or about June 12, 1944, by the Charms Sales Co., from Bloomfield, N. J.

**PRODUCT:** 14 cartons, each containing 288 boxes, of candy at Buffalo, N. Y.

**LABEL, IN PART:** (Boxes) "Net Wgt. 1½ Oz. Charms Assorted Candy Drops."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "Net Wgt. 1½ Oz." was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** August 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various charitable institutions.

#### COCOA

**6076. Adulteration of cocoa substitute. U. S. v. 63 Bags of Cocoa Substitute. Default decree of condemnation and destruction. (F. D. C. No. 12712. Sample No. 71265-F.)**

**LIBEL FILED:** June 20, 1944, District of Oregon.

**ALLEGED SHIPMENT:** On or about May 6, 1943, by J. B. Robinson, from Cleveland, Ohio.

**PRODUCT:** 63 bags, each containing 24 1-pound bags, of cocoa substitute at Salem, Oreg.

**LABEL, IN PART:** (Packages) "Drink Robinson's Fine Breakfast Cocoa Substitute."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and fragments resembling rodent hairs.

**DISPOSITION:** August 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6077. Adulteration and misbranding of cocoa. U. S. v. 12 Barrels of "Cocoa Blend," and 20 Bags of "Blend Cocoa." Default decree of condemnation and destruction. (F. D. C. No. 11797. Sample Nos. 49425-F, 49426-F.)**

**LIBEL FILED:** February 12, 1944, Southern District of Ohio.

**ALLEGED SHIPMENT:** December 28, 1943, by the Dairy and Ice Cream Supply Co., Atlanta, Ga.

**PRODUCT:** 12 200-pound barrels and 20 140-pound bags of cocoa, at Cincinnati, Ohio.

**LABEL, IN PART:** (Barrel heads) "Cocoa 200 Lbs. Net [written in indistinct blue pencil] Blend," (shipping tag attached to bags) "Blend Cocoa."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), a mixture of cocoa and cocoa shells had been substituted in whole or in part for "Cocoa," "Blend Cocoa," or "Cocoa Blend," which the articles purported and were represented

to be; and, Section 402 (b) (4); cocoa shells had been added or mixed or packed with the product so as to reduce the quality and strength.

Misbranding, Section 403 (a), the statements "Cocoa Blend" and "Blend Cocoa" were false and misleading as applied to a mixture of cocoa and cocoa shells; and, Section 403 (b), the product was offered for sale under the name of another food, cocoa.

**DISPOSITION:** July 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### SIRUP

**6078. Adulteration and misbranding of imitation maple sirup. U. S. v. 47 Cases of Pancake Syrup. Default decree of condemnation and destruction.** (F. D. C. No. 12851. Sample No. 74607-F.)

**LIBEL FILED:** July 5, 1944, District of Oregon.

**ALLEGED SHIPMENT:** On or about May 12, 1944, by the Metropolitan Pool Car Associates, from New York, N. Y.

**PRODUCT:** 47 cases, each containing 4 jugs, of imitation maple sirup at Portland, Oreg.

The sirup had been shipped from New York to Seattle, Wash., where it arrived in a damaged condition and was reshipped by the agent of the Union Pacific Railroad Co. at Seattle to Portland, Oreg., for salvage.

**LABEL, IN PART:** (Jug) "Maison Royal Pancake Syrup Imitation Maple Syrup \* \* \* Packed by Whitehall Food Manufacturing Corp. Brooklyn, New York."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was fermented.

Misbranding, Section 403 (a), the statement in the ingredient list on the labeling, "made from pure cane sugar sirup," was false and misleading as applied to a sugar and water solution which contained only about 57 percent sugar, whereas sugar sirup should contain not less than 65 percent sugar.

**DISPOSITION:** August 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6079. Adulteration and misbranding of maple sirup. U. S. v. 37 Cases and 25 Cases of Maple Syrup. Default decrees of condemnation. Product ordered delivered to local institutions.** (F. D. C. Nos. 12912, 13024. Sample Nos. 76227-F, 82166-F.)

**LIBELS FILED:** On or about July 11 and 26, 1944, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 16 and 26, 1944, by the Tiffany Extract Co., Paterson, N. J.

**PRODUCT:** Maple sirup, 62 cases, each containing 24 bottles, at New York, N. Y.

Analysis showed that this product was a sugar sirup which contained more than 35 percent water and little or no true maple sugar or maple sirup. It had a flavor and odor similar to maple sirup.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sap, had been in whole or in part omitted; and, Section 402 (b) (2), sugar sirup containing more than 35 percent water and little or no true maple sugar or maple sirup had been substituted for maple sirup.

Misbranding, Section 403 (a), the statement, "100% Grade A Pure Vermont Maple Syrup Sap," and the design of a maple leaf and maple trees, appearing in the labeling of the product, were false and misleading; Section 403 (c), the article was an imitation of maple sirup and its label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

**DISPOSITION:** August 2 and 24, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution and a local hospital.