

7062. Adulteration of sugar. U. S. v. 42 Bags, 17 Bags, and 184 Bags of Cane Sugar. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12948, 12949, 12993. Sample Nos. 72560-F, 72561-F, 80184-F.)

LIBELS FILED: July 19 and 25, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 15 and 18, and June 1, 1944, from Franklin, Reserve, and Sterling, La.

PRODUCT: 243 bags, each containing 100 pounds, of sugar at Memphis, Tenn., in possession of Malone & Hyde, Inc.

The sugar was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed and contained urine stains and rodent excreta. Samples of the sugar were found to be contaminated with urine and rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a)(4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 25, 1944. Malone & Hyde, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated, re-refined, and resacked under the supervision of the Food and Drug Administration.

7063. Adulteration of sugar. U. S. v. 15 Bags of Sugar. Default decree of condemnation and destruction. (F. D. C. No. 12973. Sample No. 68468-F.)

LIBEL FILED: July 19, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about December 10, 1943, from New Orleans, La.

PRODUCT: 15 100-pound bags of sugar, at Evansville, Ind., in possession of Mead Johnson Terminal Corporation.

The product was stored under insanitary conditions after shipment. Examination of samples showed that the sugar was contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a)(4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7064. Adulteration of dextrose sugar. U. S. v. 12,770 Sacks of Dextrose Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12994. Sample No. 11355-F.)

LIBEL FILED: July 20, 1944, Northern District of California.

ALLEGED SHIPMENT: From on or about January 15 to October 19, 1943, from North Kansas City, Mo.

PRODUCT: 12,770 bags, each containing 100 pounds, of dextrose sugar, at Sunnyvale, Calif., in possession of Libby, McNeill & Libby.

The product was stored under insanitary conditions after shipment. The premises were rodent-infested, and many of the bags were rodent-gnawed and urine-stained. Examination of samples showed that the product was contaminated with rodent excreta, rodent hairs, and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a)(4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 28, 1944. Libby, McNeill & Libby, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation, repacking, and re-refining, under the supervision of the Federal Security Agency.

7065. Adulteration and misbranding of sirup. U. S. v. 50 Cases and 349 Cases of Syrup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13710. Sample No. 34922-F.)

LIBEL FILED: September 22, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: On or about July 15, 1944, by Dad's Quality Syrup Co., from Gainesville, Fla.

PRODUCT: 50 cases, each containing 24 22-ounce bottles, and 349 cases, each containing 6 64-ounce bottles, of sirup, at Albany, Ga.

LABEL, IN PART: "It's Different Dad's Best Quality Pure Sugar Cane Syrup."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a mixture of sugar or sugared glucose and water, containing an insignificant amount of sugar cane sirup, had been substituted in whole or in part for "pure sugar cane syrup," which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Pure Sugar Cane Syrup" was false and misleading as applied to a mixture of sugar or sugared glucose and water containing an insignificant amount of sugar cane sirup; Section 403 (b), the product was offered for sale under the name of another food; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common and usual name of each such ingredient.

DISPOSITION: October 10, 1944. Dad's Quality Syrup Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7066. Adulteration and misbranding of sirup. U. S. v. 3 Cases of Syrup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13709. Sample No. 34921-F.)

LIBEL FILED: September 21, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 12, 1944, by Dad's Quality Syrup Co., from Gainesville, Fla.

PRODUCT: 3 cases, each containing 6 64-ounce jars, of sirup, at Albany, Ga.

LABEL, IN PART: "Maple Leaf Brand Dad's Quality * * * Syrup made of cane and maple syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (3), inferiority had been concealed through the use of artificial flavoring and artificial coloring; and, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to and mixed and packed with the product so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statement "Maple Leaf," and the design of a maple leaf, were misleading as applied to an artificially flavored and colored mixture of sugar or sugars and water containing an insignificant amount of maple sirup; Section 403 (c), the product was an imitation of another food, 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 (k), it contained artificial flavoring and artificial coloring, and failed to bear labeling stating that fact.

DISPOSITION: October 10, 1944. Dad's Quality Syrup Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

7067. Adulteration and misbranding of imitation maple sirup. U. S. v. 9 Cases of Imitation Maple Syrup. Default decree of condemnation and destruction. (F. D. C. No. 12996. Sample No. 63343-F.)

LIBEL FILED: July 20, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about June 2, 1944, by Whitehall Food Manufacturing Co., from Brooklyn, N. Y.

PRODUCT: 9 cases, each containing 12 1-quart bottles, of imitation maple sirup at Asheville, N. C.

Examination showed that the product was fermented. Analysis indicated that the product was an artificially colored and flavored sugar and water solution, containing only about 61 percent of sugar, whereas sugar sirup contains not less than 65 percent of sugar.

LABEL, IN PART: (Bottles) "Maison Royal Pancake Syrup Imitation Maple Syrup Made From Pure Cane Sugar Syrup."

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

Misbranding, Section 403 (a), the statement in the ingredient list, "Made From Pure Cane Sugar Syrup," was false and misleading as applied to a sugar and water solution containing only about 61 percent of sugar.

DISPOSITION: August 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.