

7999. Adulteration and misbranding of maple sirup. U. S. v. 39 Cases of Maple Sirup. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13271. Sample No. 70885-F.)

LABEL FILED: August 23, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about June 28, 1944, by the American Roland Food Co., from New York, N. Y.

PRODUCT: 39 cases, each containing 24 6-ounce bottles, of sirup at Seattle, Wash.

LABEL, IN PART: "Roland 100% Grade A Pure Vermont Maple Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup, had been in whole or in part omitted from the product; and, Section 402 (b) (2), sugar sirup, containing little or no maple sugar or maple sirup, had been substituted in whole or in part for maple sirup, which the product purported and was represented to be.

Misbranding, Section 403 (a), the label statement, "100% Grade A Pure Vermont Maple Syrup," was false and misleading as applied to a sirup containing little or no true maple sugar or 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 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8000. Misbranding of sirup. U. S. v. 127 Cases of Sirup. Default decree of condemnation. Product ordered delivered to public or charitable institutions. (F. D. C. No. 12278. Sample No. 51840-F.)

LABEL FILED: April 29, 1944, District of Maine.

ALLEGED SHIPMENT: On or about January 28, 1944, by Quality Incorporated, from Boston, Mass.

PRODUCT: 127 cases, each containing 24 12-ounce bottles, of sirup at Portland, Maine.

LABEL, IN PART: (Bottles) "Qualy-Maple brand Syrup for Pancakes and Waffles Contains: Cane Sugar Syrup, Wheat Sugar Syrup, Water, Imitation Maple Flavor, and 1/10 of 1% Benzoate of Soda."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Qualy-Maple brand Syrup," with the words "Qualy," "Maple," and "Syrup" conspicuously displayed on the bottle label, was false and misleading as applied to a dark brown, sirupy liquid containing little or no maple sugar or maple sirup, with more water than is contained in maple sirup, and with a flavor simulating that of maple; Section 403 (b), the product was offered for sale under the name of another food, maple sirup; Section 403 (c), it 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 (f), the statement of the quantity of the contents, required by law to appear on the label, was not prominently placed thereon with such conspicuousness, as compared with other words, designs, or devices in the labeling, as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since it was in such small type as to be practically illegible.

DISPOSITION: March 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to public or charitable institutions.

DAIRY PRODUCTS

BUTTER

8001. Action to enjoin and restrain the interstate shipment of adulterated butter. U. S. v. Swift & Co., a corporation, and H. N. Bates. Tried to the court. Injunction granted. (Inj. No. 43.)

COMPLAINT FILED: December 19, 1942; amended April 8, 1943, Middle District of Georgia.