

10752. Misbranding of pecan rolls. U. S. v. 1,260 Tins * * *. (F. D. C. No. 18766. Sample No. 16356-H.)

LIBEL FILED: January 3, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about August 7, 1945, by Brickman's Food Co., from Waco, Tex.

PRODUCT: 1,260 8-ounce tins of pecan rolls at Milwaukee, Wis. Examination showed that the product was short-weight.

LABEL, IN PART: "Martha Jane Delicious Pecan Roll Net Weight 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: On February 6, 1946, no claimant having appeared, judgment of condemnation was entered and the product was ordered held for disposal in accordance with a further order of the court. On May 16, 1946, an order was entered providing for the delivery of the product to charitable institutions.

10753. Adulteration of popcorn and molasses blocks (confections). U. S. v. 15 Cartons, etc. (F. D. C. No. 18462. Sample Nos. 12269-H to 12271-H, incl.)

LIBEL FILED: November 27, 1945, District of Maine.

ALLEGED SHIPMENT: On or about October 22, 1945, by the Saratoga Pop Corn Co., from Beverly, Mass.

PRODUCT: 39 cartons, each containing 48 2-ounce bags, of popcorn and 15 cartons each containing 80 molasses blocks at Portland, Maine.

LABEL, IN PART: "Saratoga French Fried Pop Corn * * * Vegetable Oil [or "Edible Oil"]," or "Saratoga Brand Saratoga Fine Molasses Blocks."

NATURE OF CHARGE: Popcorn, adulteration, Section 402 (a) (1), the 2 lots of the product contained 21 percent and 26 percent, respectively, of added mineral oil, a deleterious substance, which might have rendered the popcorn injurious to health; Section 402 (b) (1), a valuable constituent, an edible oil, had been in whole or in part omitted; Section 402 (b) (2), popped corn with artificially colored nonnutritive mineral oil had been substituted for popcorn with edible oil; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color; and, Section 402 (b) (4), artificially colored mineral oil had been mixed and packed therewith so as to reduce its quality or strength and make it appear better and of greater value than it was.

Molasses blocks, adulteration, Section 402 (d), the product was confectionery and contained mineral oil, a nonnutritive substance.

DISPOSITION: December 21, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. Their destruction was effected by burning.

CHOCOLATE AND COCOA PRODUCTS

10754. Adulteration and misbranding of milk chocolate and dark chocolate. U. S. v. 5 Bags, etc. (F. D. C. No. 19743. Sample Nos. 8722-H, 8723-H.)

LIBEL FILED: May 6, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about February 25, 1946, by the Idis Chocolate and Candy Manufacturing Co., Inc., from Brooklyn, N. Y.

PRODUCT: 5 bags, each containing 200 pounds, of milk chocolate and 5 bags, each containing 200 pounds, of dark chocolate at Lakewood, N. Y. Examination showed that both lots contained added ice-cream cone material; that the milk chocolate contained skim milk solids instead of milk solids; and that the dark chocolate appeared to be and, in fact, was skim milk chocolate, although not so labeled.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), skim milk chocolate containing added ice cream cone material had been substituted for milk chocolate and dark chocolate, which the articles were represented to be; and, Section 402 (b) (4), ice cream cone material had been added to the articles and mixed and packed with them so as to reduce their quality and strength.

Misbranding, Section 403 (g) (1), the milk chocolate failed to conform to the definition and standard of identity for milk chocolate; and, Section 403 (g) (2), the dark chocolate purported to be skim milk chocolate, a food for

which a definition and standard of identity had been prescribed by regulations, but its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: October 4, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions, provided that on examination and inspection by the Food and Drug Administration the products were found fit for human consumption.

10755. Adulteration of milk chocolate coating. U. S. v. 153 Bags * * *.
(F. D. C. No. 19975. Sample No. 5324-H.)

LIBEL FILED: May 29, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 9, 1946, by the Mrs. J. G. McDonald Chocolate Co., from Salt Lake City, Utah.

PRODUCT: 153 200-pound bags of milk chocolate coating at Camden, N. J.

LABEL, IN PART: "Idis Chocolate & Candy Mfg. Co. * * * Brooklyn, N. Y. Milk Chocolate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent excreta, insects, and mold.

DISPOSITION: June 10, 1946. The Mrs. J. G. McDonald Chocolate Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit be segregated from the unfit and the latter utilized for some purpose other than for human consumption, under the supervision of the Federal Security Agency.

10756. Adulteration of chocolate coating. U. S. v. 6 Bales * * *. (F. D. C. No. 18484. Sample No. 13784-H.)

LIBEL FILED: November 26, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 24, 1945, by Blumenthal Brothers, from Frankford, Pa.

PRODUCT: 6 180-pound bales of chocolate coating at Bellevue, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: December 27, 1945. The Akron Candy Co., Bellevue, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10757. Adulteration of cocoa. U. S. v. 20 Bags * * *. (F. D. C. No. 19717. Sample No. 1457-H.)

LIBEL FILED: April 30, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 2, 1945, from Chattanooga, Tenn.

PRODUCT: 20 125-pound bags of cocoa at Atlanta, Ga., in possession of Mrs. Bell's Preserving Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and examination showed that the product was moldy and contained rodent hairs and pellets.

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

DISPOSITION: June 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10758. Adulteration and misbranding of chocolate-flavored sirup. U. S. v. 26 Cases * * *. (F. D. C. No. 19916. Sample No. 43018-H.)

LIBEL FILED: May 13, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about January 9, 1946, by Gordon-Thaler, Inc., from Brooklyn, N. Y.