

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.

PRODUCT: 26 cases, each containing 24 1-pound jars, of chocolate-flavored sirup at Washington, D. C.

LABEL, IN PART: "GT Double Strength Chocolate Flavored Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance having a predominating taste of strong molasses with a barely noticeable cocoa flavor had been substituted in whole or in part for double strength chocolate-flavored sirup.

Misbranding, Section 403 (a), the label statement "Double Strength Chocolate Flavored Syrup" was false and misleading.

DISPOSITION: July 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

SIRUP AND SUGAR*

10759. Adulteration and misbranding of cane sirup and cane and maple sirup. U. S. v. Dixie Lily Milling Company, Inc. (Webb's Syrup Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 15591. Sample Nos. 63623-F, 63960-F.)

INFORMATION FILED: January 28, 1946, Northern District of Florida, against the Dixie Lily Milling Company, Inc., a corporation, trading as Webb's Syrup Co., Williston, Fla.

ALLEGED SHIPMENT: Between the approximate dates of July 12 and November 8, 1944, from the State of Florida into the State of Georgia.

LABEL, IN PART: "Webb's Special Delicious Cane & Maple Syrup," or "Webb's Best Cane Syrup."

NATURE OF CHARGE: Cane and Maple Syrup. Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored mixture of sugar and water had been substituted in whole or in part for a mixture of cane and maple sirup; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to be a mixture of cane sirup and maple sirup, which is better and of greater value than the article. Misbranding, Section 403 (a), the label statements "Cane & Maple Syrup" and "Made from Cane Sugar Syrup, Pure Maple Syrup and Imitation Flavor" 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.

Cane Syrup. Adulteration, Section 402 (b) (1), a valuable constituent, cane sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), a mixture consisting of sugar sirup, invert sugar sirup, cane sirup, a small amount of cream of tartar, and caramel color had been substituted in whole or in part for cane sirup. Misbranding, Section 403 (a), the label statement "Webb's Best Cane Syrup" was false and misleading; Section 403 (c), the article was an imitation of cane 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), the article contained artificial coloring, and it failed to bear labeling stating that fact.

DISPOSITION: January 15, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300.

10760. Misbranding of cane sirup. U. S. v. 280 Cases * * *. (F. D. C. No. 19106. Sample Nos. 24918-H, 24923-H.)

LIBEL FILED: On or about February 12, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 8 and 22, 1945, by Star "B" Syrup Plant, from New Iberia, La.

PRODUCT: 280 cases, each containing 12 cans, of cane sirup at Houston, Tex. Examination showed that the product was short-volume.

LABEL, IN PART: (Cans) "Star "B" Pure Cane Syrup Contents 1 Quart, 1 Pint, 6 Fluid Ounces."

*See also No. 10724.