

Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of contents. The label statement "Net Wt. 1¼ Oz." was inaccurate.

DISPOSITION: July 3, 1947. Default decree of condemnation and destruction.

12241. Misbranding of candy bars. U. S. v. 95 Cartons * * *. (F. D. C. No. 22927. Sample No. 91161-H.)

LIBEL FILED: April 14, 1947, District of New Jersey.

ALLEGED SHIPMENT: 20 cartons on March 11, 1947, by the Atlantic Stores, Inc., from Boston, Mass.; and 75 cartons on January 31 and March 13, 1947, by Paul F. Beich Company, from New York, N. Y.

PRODUCT: 95 cartons, each containing 12 24-bar boxes, of candy bars at Newark, N. J.

LABEL, IN PART: "Beich * * * Epicure Chocolate and Pecans * * * 1 Mg. Vitamin B₁ (Thiamin Hydrochloride)."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Chocolate and Pecans" was false and misleading as applied to a product which did not consist of chocolate and pecans (the article was a chocolate-coated marshmallow bar with pecan pieces embedded in the coating); and, Section 403 (j), the article purported to be a food for special dietary uses by reason of the vitamin B₁ content, and the label failed to bear a statement of the proportion of the minimum daily requirement of vitamin B₁ supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: June 17, 1947. Paul F. Beich Co., 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 repacked and relabeled so as to comply with the law, under the supervision of the Food and Drug Administration.

12242. Misbranding of candy bars. U. S. v. 270 Cases * * *. (F. D. C. No. 22960. Sample No. 65982-H.)

LIBEL FILED: April 23, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about April 10, 1947, by Luden's, Inc., from Reading, Pa.

PRODUCT: 270 cases, each containing 16 24-bar boxes, of candy bars at Baltimore, Md.

LABEL, IN PART: The statement "Fifth Avenue Milk Chocolate and Almonds" was printed in large type on the top of the wrapper, and the statement of ingredients, "Milk Chocolate, Almonds, Peanuts, Sugar, Corn Syrup, Salt, Molasses," was printed inconspicuously in small type on the side of the wrapper.

NATURE OF CHARGE: Misbranding, Section 403 (a), the prominent label statement "Milk Chocolate and Almonds" was misleading as applied to a candy bar with a peanut butter-molasses brittle center coated with milk chocolate and containing 2 almonds; and, Section 403 (d), the container was so made and filled as to be misleading since the manner of wrapping gave the impression that the candy bar was much larger than was actually the case, and there was an excessive amount of unfilled space in the wrapper.

DISPOSITION: June 28, 1947. Default decree of condemnation; product ordered delivered to charitable institutions.

12243. Misbranding of candy. U. S. v. 45 Cases * * *. (F. D. C. No. 23515. Sample No. 87575-H.)

LIBEL FILED: On or about July 28, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 7, 1947, by Luden's, Inc., Reading, Pa.

PRODUCT: 45 cases, each containing 24 boxes, of candy at New York, N. Y.

LABEL, IN PART: "Bristol Super Mints Made by Brandle & Smith Division Luden's Inc. Reading, Pa. * * * Net Weight 1¾ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading (the boxes contained from 14 to 16 pieces of candy; 20 pieces could easily be placed in the boxes); and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the boxes contained less than the declared weight).

DISPOSITION: August 28, 1947. Default decree of condemnation; product ordered delivered to a charitable organization.

12244. Adulteration of sirup. U. S. v. Waverly Sugar Company. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 23250. Sample No. 54102-H.)

INFORMATION FILED: December 10, 1947, Northern District of Iowa, against Waverly Sugar Company, a corporation, Waverly, Iowa.

ALLEGED SHIPMENT: On or about November 22, 1946, from the State of Iowa into the State of Indiana.

LABEL, IN PART: "Wascose Gold Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its phenol-like odor and taste.

DISPOSITION: December 10, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

12245. Adulteration and misbranding of sirup. U. S. v. 128 Cases * * *. (F. D. C. No. 23036. Sample Nos. 77611-H, 77619-H.)

LABEL FILED: May 15, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about March 21 and 28, 1947, by Albert's Products Co., Inc., from Portland, Oreg.

PRODUCT: 54 cases, each containing 12 quart bottles, and 74 cases, each containing 24 12-ounce bottles, of cane and maple sirup, at Tacoma, Wash.

LABEL, IN PART: "Albert's Supreme Morning Dew Brand Cane & Maple Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially flavored and colored sugar sirup containing glucose and less than 65 percent soluble solids had been substituted in whole or in part for cane and maple sirup.

Misbranding, Section 403 (a), the label statement "Cane & Maple Syrup" was false and misleading.

DISPOSITION: June 17, 1947. Albert's Products Co., Inc., Portland, Oreg., claimant, having consented to the entry of a decree, 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 Federal Security Agency.

12246. Adulteration and misbranding of pancake sirup. U. S. v. 31 Cases * * *. (F. D. C. No. 22963. Sample No. 90624-H.)

LABEL FILED: April 28, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 12, 1947, by Big Maple Food Products, from Brooklyn, N. Y.

PRODUCT: 31 cases, each containing 24 pint bottles, of pancake sirup at Norfolk, Va.

LABEL, IN PART: "Contents 1 Pint Big Maple Brand Pancake Syrup Cane Sugar Syrup, Pure Maple Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a sirup with a flavor similar to dilute molasses had been substituted for cane sugar sirup, pure maple flavor.

Misbranding, Section 403 (a), the label statement "Big Maple Pancake Syrup Cane Sugar Syrup Pure Maple Flavor" and the design of maple trees were false and misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of contents (the bottles contained less than 1 pint).

DISPOSITION: August 14, 1947. Default decree of condemnation; product ordered delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

Nos. 12247 to 12278 report actions involving butter that was below the standard for milk-fat content; the butter reported in Nos. 12278 and 12279 was short of the declared weight.

12247. Adulteration of butter. U. S. v. Kingston Cooperative Dairy Association. Plea of guilty. Fine, \$50. (F. D. C. No. 23283. Sample No. 73377-H.)

INFORMATION FILED: July 31, 1947, District of Minnesota, against the Kingston Cooperative Dairy Association, a corporation, Kingston, Minn.