

18754. Adulteration of cocoa beans. U. S. v. 175 Bags * * * (and 1 other seizure action). (F. D. C. No. 30139. Sample Nos. 74158-K, 74159-K.)

LIBELS FILED: November 16, 1950, Northern District of New York.

ALLEGED SHIPMENT: On or about November 24, 1949, and January 7, 1950, from Port of Spain, Trinidad.

PRODUCT: 425 200-pound bags of cocoa beans at Fulton, N. Y.

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 insects and wormy beans, and of a decomposed substance by reason of the presence of moldy beans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 7, 1951. Peter, Cailler, Kohler Swiss Chocolate Co., Inc., Fulton, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for the purpose of salvaging the fit portion, under the supervision of the Federal Security Agency. The salvaging operations resulted in the destruction of 4,980 pounds of the product as unfit.

18755. Adulteration of cocoa beans. U. S. v. 100 Bags * * *. (F. D. C. No. 32287. Sample No. 7270-L.)

LIBEL FILED: December 18, 1951, Western District of New York.

ALLEGED SHIPMENT: On or about November 14, 1951, from Brazil.

PRODUCT: 100 140-pound bags of cocoa beans at Rochester, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 21, 1952. Wessel, Duval & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be fumigated and cleaned and the unfit portion segregated and destroyed, under the supervision of the Federal Security Agency. Segregation operations resulted in the salvaging of 94 130-pound bags of cocoa. The rejected portion, amounting to 520 pounds, was denatured.

SIRUP

18756. Adulteration and misbranding of sorghum sirup. U. S. v. 163 Cans * * *. (F. D. C. No. 32304. Sample No. 34204-L.)

LIBEL FILED: January 2, 1952, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 15, 1951, by G. L. Rutledge, from Walnut, Miss.

PRODUCT: 163 1-gallon cans of sorghum sirup at Memphis, Tenn.

LABEL, IN PART: "Sorghum."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of sorghum, sugar, and corn sirup had been substituted for sorghum; and, Section 402 (b) (4), sugar and corn sirup had been added to the product and mixed and packed with it so as to increase its bulk or weight.

Misbranding, Section 403 (a), the label designation "Sorghum" was false and misleading; Section 403 (e) (2), the product failed to bear a label con-