**14165. Misbranding of popcorn confection. U. S. v. 99 Boxes * * *.** (F. D. C. No. 26378. Sample No. 5665-K.)

LIBEL FILED: On or about January 5, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about December 20, 1948, by the Connecticut Pop Corn Manufacturing Co., from Springfield, Mass.

PRODUCT: 99 boxes, each containing 12 packages, of popcorn confection at Providence, R. I.

LABEL, IN PART: (Package) "Assorted Pop Corn Dodgers Pop Corn Confection * * * Net Weight not less than 4 ounces."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight not less than 4 ounces" was inaccurate. (The packages contained less than 4 ounces.)

DISPOSITION: January 31, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14166. Misbranding of butter-flavored popcorn. U. S. v. 22 Cartons * * *.** (F. D. C. No. 25788. Sample No. 4397-K.)

LIBEL FILED: September 30, 1948, District of Maine.

ALLEGED SHIPMENT: On or about August 9, 1948, by Confectioners, Inc., Boston Mass.

PRODUCT: 22 cartons, each containing 25 bags, of popcorn at Lewiston, Maine

LABEL, IN PART: (Bag) "Sunny's Butter Flavored Pop Corn Net Wt. 2 Oz Ingredients: * * * Butter Oil."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Butter Flavored" and "Butter Oil" were false and misleading as applied to the product, which contained little, if any, butter; and, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The bags contained less than 2 ounces, the declared weight.)

DISPOSITION: November 1, 1948. Default decree of condemnation. The product was ordered delivered to a public institution.

**14167. Adulteration of chocolate coating. U. S. v. 12 Cartons, etc.** (F. D. C. Nos. 25724, 25725. Sample Nos. 19968-K, 19969-K.)

LIBEL FILED: October 19, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 14, February 5, March 9, and July 8, 1948 from the States of New York and Pennsylvania into the State of Ohio.

PRODUCT: 27 50-pound cartons of chocolate coating at Marietta, Ohio, in possession of Broughton's Farm Dairy, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs and rodent-gnawed chocolate; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 22, 1948. Broughton's Farm Dairy, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and salvaged, under the supervision of the Federal Security Agency. The contaminated portions were trimmed from the slabs and burned.

**14168. Adulteration of hot chocolate powder.** U. S. v. 23 Cases * * *. (F. D. C. No. 26202. Sample No. 42001–K.)

LIBEL FILED: December 16, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 18, 1948, by the Wright & Wagner Dairy Co., from Beloit, Wis.

PRODUCT: 23 cases, each containing 24 ½-pound cans, of hot chocolate powder at Chicago, Ill.

LABEL, IN PART: "Chox For Making Hot Chocolate."

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 insect fragments and rodent hairs, and the fact that it was made in part from filthy chocolate.

DISPOSITION: February 15, 1949. Default decree of condemnation and destruction.

## DAIRY PRODUCTS *

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **Nos. 14169 to 14180**; that was below the legal standard for milk fat content, **Nos. 14179 to 14187**; that was short of the declared weight, **No. 14188**; and that was alleged to be of lower quality than labeled, **Nos. 14189 and 14190.**

**14169. Adulteration of butter.** U. S. v. 1,209 Cartons * * * **(and 2 other seizure actions; 59,680 pounds, total). Tried to the jury. Verdict for Government. Decree providing for condemnation and release of product under bond. Decree affirmed on appeal.** (F. D. C. Nos. 17105, 17115, 17377. Sample Nos. 3649–H, 3650–H, 3652–H.)

LIBELS FILED: On or about July 31 and August 2 and 6, 1945, District of Maryland and the District of Columbia; libels amended on November 20 and 29, 1945.

ALLEGED SHIPMENT: On or about July 14, 21, and 28, 1945, by the Bowser Sales & Trading Corp., from Sistersville, W. Va.

PRODUCT: 1,865 cartons, each containing 32 1-pound prints, of butter at Baltimore and Bainbridge, Md., and Washington, D. C.

LABEL, IN PART: "Land O' Hills Brand Creamery Butter Manufactured By Land O' Hills Creamery Buckhannon, W. Va."

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 parts, feather barbules, mites, rodent hair fragments, fly eggs, and an ant, and of a decomposed substance, namely, a product of decomposed cream.

*See also No. 14262.