

5294. Adulteration and misbranding of "Carnival Brand Cocoa." U. S. * * * v. Henry V. Stollwerck (Victor Chocolate Works). Plea of guilty. Fine, \$25. (F. & D. No. 7723. I. S. No. 2099-1.)

On December 19, 1916, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District an information against Henry V. Stollwerck, trading as Victor Chocolate Works, Jersey City, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 1, 1916, from the State of New Jersey into the State of New York, of a quantity of an article labeled in part, "Carnival Brand Cocoa," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Fat (per cent) -----	16.96
Ash (per cent) -----	9.23
Water-insoluble ash (per cent) -----	6.20
Acid-insoluble ash (per cent) -----	2.20
Crude fiber (per cent) -----	8.34

Microscopic examination and crude fiber show addition of not less than 35 per cent of cocoa shells.

Adulteration of the article was alleged in substance in the information for the reason that cocoa shells had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for cocoa, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Cocoa," borne on the barrel containing the article, regarding the ingredients and substances contained therein, was false and misleading in that it represented that it consisted exclusively of cocoa; and for the further reason that it was labeled, "Cocoa," so as to deceive and mislead the purchaser into the belief that it consisted exclusively of cocoa, whereas, in truth and in fact, it did not, but consisted in part of cocoa shells.

On March 19, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. A. PEARSON, *Acting Secretary of Agriculture.*