27942. Adulteration and misbranding of Limburger cheese. U. S. v. 12 Cases, 3 Cases, and 66 Packages of Limburger Cheese. Default decrees of condemnation and destruction. (F. & D. Nos. 40149, 40150, 40151. Sample Nos. 43442–C, 43443–C, 50767–C.)

This product contained insect fragments. A portion was labeled to indicate that it was of foreign origin, whereas it was a domestic product.

On or about August 15, and August 18, 1937, the United States attorneys for the Eastern District of Washington and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 cases of Limburger cheese at Spokane, Wash., and 3 cases and 66 packages of the same product at New Orleans, La., alleging that it had been shipped in interstate commerce on or about July 20 and 24, 1937, by Badger Brodhead Cheese Co. from Monroe, Wis., and charging adulteration of the former and adulteration and misbranding of the latter in violation of the Food and Drugs Act. A portion was labeled: (Wrapper on packages) "Alter Deutscher Echter Limburger Kaese [English translation—Old German Genuine Limburger Cheese]." The remainder was labeled: "Finest Quality Badger Brand * * * Limburger Cheese American Style * * * Badger-Brodhead Cheese Co. Monroe, Wis."

Both lots were alleged to be adulterated in that the product consisted wholly or in part of a filthy animal substance.

A portion was alleged to be misbranded in that the statement "Alter Deutscher Echter Limburger Kaese" was false and misleading and tended to deceive and mislead the purchaser when applied to a domestic product; and in that it purported to be a foreign product when not so.

On October 8 and December 2, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27943. Adulteration and misbranding of sweet ground chocolate. U. S. v. 5 Barrels of Rockwood's Sweet Ground Chocolate. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40156. Sample No. 10778–C.)

This product was described on its label as "Pure Cocoa Powder" and "Sweet Ground Chocolate"; whereas it was neither pure cocoa powder nor sweet chocolate.

On August 19, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of sweet ground chocolate at Oakland, Calif., alleging that it had been shipped in interstate commerce on or about April 17, 1937, by Rockwood & Co. from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Manufactured by Rockwood & Co., Brooklyn, N. Y."

It was alleged to be adulterated in that a mixture of sugar and of a cacao product containing less fat than is contained in chocolate had been substituted for sweet ground chocolate and for pure cocoa powder, which it purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Sweet Ground Chocolate" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was sweetened cocoa and was neither pure cocoa powder nor sweet chocolate; and in that it was offered for sale under the distinctive names of other articles, sweet ground chocolate and pure cocoa powder.

On December 4, 1937, Rockwood & Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27944. Adulteration of tomato puree. U. S. v. 992 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 40176. Sample No. 31601–C.)

This product contained excessive mold.

On August 25, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 992 cases of tomato puree at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about August 9, 1937, by the Barker Canning Co. from Barker, N. Y.,