3216. Misbranding of cane and corn sirup. U. S. v. 12 Cases of Sirup. Default decree of condemnation. Product ordered delivered to charitable organization. (F. D. C. No. 6346. Sample No. 35830–E.)

This product was represented to contain only 10 percent of corn sirup but actually contained 75 percent. Furthermore, the label on the cans failed to bear an accurate statement of the quantity of the contents since the cans contained an amount more than double the quantity declared.

On December 4, 1941, the United States attorney for the Eastern District of Texas filed a libel against 12 cases of cane and corn sirup at Texarkana, Tex., alleging that the article had been shipped in interstate commerce on or about July 23, 1941, by Ivy Norris, Pure Sugar Cane Products, from West Monroe, La.; and charging that it was misbranded. It was labeled in part: (Cases) "Pure Ribbon Cane Syrup Wm. Norris, West Monroe, La. * * * Net Wt. 2 lbs. 2 ozs. 1½ Pts. or over"; (cans) "Pure Ribbon Cane Syrup Contains 10% Corn Syrup Added * * * Net Weight 1 lb. Liquid Contents, 10 ozs. or over."

The article was alleged to be misbranded in that the labeling was false since the cans contained approximately 75 percent of corn sirup instead of 10 percent and the average net weight of each can was 2 pounds 2.48 ounces and the average net volume was 1 pint 9 fluid ounces.

On January 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization.

3217. Adulteration of fondant icing. U. S. v. 5 Drums of Fondant Icing. Default decree of condemnation and destruction. (F. D. C. No. 5912. Sample No. 74495–E.)

This product was found to contain rodent hairs and insect fragments.

On or about October 4, 1941, the United States attorney for the District of New Jersey filed a libel against 5 drums of fondant icing at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 4, 1941, by Wood & Selick, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Favorite Fondant Icing."

On November 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CACAO PRODUCTS

3218. Adulteration of chocolate icing. U. S. v. 19 Cans of H & H Kakolate. Default decree of condemnation and destruction. (F. D. C. No. 6243. Sample No. 54504–E.)

This product contained rodent hairs.

On November 17, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 19 cans of H & H Kakolate at Drexel Hill, Pa., alleging that the article had been shipped in interstate commerce on or about October 20, 1941, by Henry & Henry, Inc., from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 5, 1942, no claimant having appeared, decree of condemnation was entered and the product was ordered destroyed.

3219. Adulteration of baking chocolate. U. S. v. 46 Cartons and 83 Cartons of Chocolate. Default decree of condemnation and destruction. (F. D. C. No. 6916. Sample No. 23388–E.)

Examination showed that this product was heat-damaged, and that it contained webbing, dead moths, and larvae.

On February 23, 1942, the United States attorney for the Northern District of California filed a libel against 46 cartons each containing 24 half-pound bars, and 83 plain fiber cartons each containing 110 half-pound bars of chocolate at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 11, 1939, by E. & A. Opler, Inc., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article in the 46 cartons was labeled in part: "Our Mother's Pure Baking Chocolate."