

On June 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently the product was delivered to a Federal institution to be used as hog feed.

3639. Misbranding of rock candy crystals. U. S. v. 54 Boxes of Rock Candy Crystals. Default decree of condemnation. Product distributed to charitable institutions. (F. D. C. No. 6323. Sample No. 49823-E.)

Examination showed that this product consisted of coarse sucrose crystals, which occupied on an average about 62 percent of the capacity of the container.

On December 2, 1941, the United States attorney for the Western District of Louisiana filed a libel against 54 boxes, each containing 24 packages, of rock candy crystals at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about October 30 and November 3, 1941, by Martin Candy Co. from Dallas, Tex.; and charging that it was misbranded.

The article was alleged to be misbranded in that its container was so made and filled as to be misleading, since the packages were too large for the amount of crystals they contained and the crystals did not occupy a reasonable amount of the available space.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 638.

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as provided by law. It was distributed to charitable institutions.

MISCELLANEOUS

3640. Adulteration of sugar. U. S. v. 250 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6817. Sample 79170-E.)

This product had been stored under insanitary conditions after shipment and when examined was found to be contaminated with rodent excreta and urine resulting from such storage conditions.

On March 7, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 250 100-pound bags of sugar at Martel, Tenn., alleging that the article had been shipped in interstate commerce on or about May 11, 1941, from New Orleans, La.; that it was in possession of the Armstrong Candy Manufacturing Co., Martel, Tenn.; 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 held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Godchaux's Pure Can Sugar."

On April 8, 1942, the Armstrong Candy Manufacturing Co., Martel, Tenn., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was returned to the refinery for re-refining.

3641. Adulteration and misbranding of sirup. U. S. v. 49½ Dozen Jars of Sirup. Default decree of condemnation and destruction. (F. D. C. No. 6698. Sample No. 30488-E.)

This product was labeled to indicate that it consisted of cane and maple sirups, whereas it contained a large proportion of glucose and was artificially flavored and artificially colored. It was also short of the declared volume.

On January 12, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 49½ dozen jars of sirup at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 13, 1941, by the Turlaine Food Products, Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Click Waffle & Pancake Syrup Contents 11 Fl. Oz. Contains Cane and Maple Syrups."

The article was alleged to be adulterated in that an artificially flavored and artificially colored substance containing a material proportion of glucose had been substituted for cane and maple sirups, which it purported to be.

It was alleged to be misbranded (1) in that the statements on the label, "Contains Cane and Maple Syrups" and "Contents 11 Fl. Oz.," were false and misleading when applied to an artificially flavored and artificially colored substance containing a material proportion of glucose and which was short volume; (2) in that it was an imitation of another food; (3) in that it was in package form and its label did not bear an accurate statement of the quantity of the contents; and (4) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient.