

3664. Adulteration of cookies. U. S. v. 260 Cases of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 6648. Sample No. 85583-E.)

Examination of this product showed that some of the cookies contained areas covered with small fibers suggesting lint and nondescript dirt. Investigation at the warehouse where it was stored showed that the cookies were in flimsy cartons, some of which had been broken open. Many of the exposed cookies were more or less covered with dust similar to that which covered the tops of the cartons in the top layer of the stock.

On January 7, 1942, the United States attorney for the Western District of Washington filed a libel against 260 cases of cookies at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 27, 1941, from Salamanca, N. Y., by George Weston, Ltd.; 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: "Weston's English Quality Biscuits."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3665. Adulteration and misbranding of cheese sandwiches. U. S. v. 18½ Dozen Boxes of Cheese Sandwiches. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 7488. Sample No. 89752-E.)

This product consisted of sandwiches with filling which was essentially 50 percent cheese, 25 percent cornstarch, and 25 percent of an edible oil other than butterfat. The filling also contained some added coal-tar color which gave it the appearance of containing more cheese than was the case. Furthermore, the net weight was not accurately declared.

On May 12, 1942, the United States attorney for the Southern District of New York filed a libel against 18½ dozen boxes of cheese sandwiches at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 15 and 23, 1942, by the Devonsheer Melba Corporation from West New York, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Macy's Lily White Melba Toast Cheese Sandwiches Packed Expressly for R. H. Macy & Co. Inc., New York."

The article was alleged to be adulterated (1) in that a valuable constituent, namely, cheese had been in whole or in part omitted; (2) in that a Melba Toast Sandwich containing a filling of cheese, edible oil other than butterfat, cornstarch, and artificial coloring had been substituted wholly or in part for Melba Toast Cheese Sandwiches; (3) in that inferiority had been concealed by the addition of artificial coloring; and (4) in that edible oil other than butterfat, color, and cornstarch had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Melba Toast Cheese Sandwiches" was false and misleading; (2) in that the statement "Net Weight 4 Oz." was false and misleading as applied to an article which weighed 7 ounces; (3) in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (5) in that it contained artificial coloring and did not bear labeling stating that fact.

On June 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CHICKEN NOODLE DINNER**3666. Misbranding of chicken noodle dinner. U. S. v. 96 Cases of Chicken Noodle Dinner. Consent decree of condemnation. Product ordered released under bond to be converted into other food products. (F. D. C. No. 6234. Sample No. 79869-E.)**

The name of this product would indicate that it contained more chicken meat than was the case, the ingredients statement would imply that it contained more than one or two small pieces of mushroom, and it was deceptively packaged in that the chicken meat was used to "face" the jar.

On November 18, 1941, the United States attorney for the Southern District of Ohio filed a libel against 96 cases, each containing 12 1-pound jars, of chicken noodle dinner at Cincinnati, Ohio, which had been shipped on or about October 10 and 21, 1941, alleging that the article had been shipped in interstate commerce by Morton Packing Co., Inc., from Louisville, Ky.; and charging that it was

misbranded. It was labeled in part: (Jars) "Morton's Southern Style Chicken Noodle Dinner Ingredients: Egg Noodles, Chicken Broth, Chicken, Mushrooms, Peppers, Spices, and Seasoning. All Meat Visible."

The article was alleged to be misbranded (1) in that the name "Chicken Noodle Dinner" was false and misleading as applied to an article consisting largely of noodles with only 7 percent of chicken meat; (2) in that the word "Mushrooms" in the statement of ingredients was false and misleading because this declaration, as it appeared in the ingredient statement, implied the presence of more than one or two small mushroom pieces per jar; and (3) in that its container was so filled as to be misleading, since the chicken meat was used to face the jar.

On March 5, 1942, Morton Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into other food products under the supervision of the Food and Drug Administration. Subsequently it was converted into soup, repackaged, and relabeled.

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3667. Misbranding of cottonseed cake and meal. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$100. (F. D. C. No. 6399. Sample No. 18495-E.)

This product contained less protein than the percentage declared on the label.

On March 19, 1942, the United States attorney for the Western District of Oklahoma filed an information against the Terminal Oil Mill Co., a corporation, at Oklahoma City, Okla., alleging that on or about October 16, 1940, the defendant delivered at Oklahoma City for introduction into interstate commerce from the State of Oklahoma into the State of Kansas a quantity of cottonseed screenings that were misbranded.

The information alleged further that the defendant on or about May 7, 1940, had given to the purchaser of the cottonseed screenings a guaranty against mislabeling or misrepresenting of all cottonseed products; that the cottonseed screenings delivered for introduction into interstate commerce as aforesaid had been sold and delivered by the defendant while the guaranty was in full force and effect; that the purchaser had introduced the article into interstate commerce on or about October 16, 1940; and that by reason thereof the defendant had unlawfully given a guaranty that was false since the article when so delivered for introduction and when introduced into interstate commerce was misbranded. It was labeled in part: "Big Chief Prime Cotton Seed Cake or Meal."

Misbranding was alleged in that the statement "Protein, not less than 43.00%," borne on the tag, was false and misleading since the article contained less than 43 percent of protein, namely, not more than 38.13 percent.

On April 7, 1942, a plea of guilty having been entered by the defendant, the court imposed a fine of \$100.

3668. Misbranding of cottonseed cake and meal. U. S. v. Choctaw Cotton Oil Co. (Shawnee Cotton Oil Mill). Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 6498. Sample No. 25380-E.)

This product contained less protein than the amount declared.

On July 23, 1942, the United States attorney for the Northern District of Oklahoma filed an information against the Choctaw Cotton Oil Co., a corporation trading as Shawnee Cotton Oil Mill, Shawnee, Okla., alleging shipment on or about June 17, 1941, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed screenings that were misbranded in that the statement on the tag, "Protein, not less than 43 percent," was false and misleading since they contained not more than 41.25 percent of protein. The article was labeled in part: "Red Seal Brand Cotton Seed Cake and Meal."

On July 29, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

3669. Misbranding of cottonseed cake and meal. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$100. (F. D. C. No. 5554. Sample No. 25368-E.)

Analysis showed that this product was deficient in crude protein.

On April 9, 1942, the United States attorney for the Northern District of Texas filed an information against Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment on or about February 18, 1941, from the State of Texas into the State of Oklahoma of a quantity of cottonseed screenings which were misbranded. The article was labeled in part: "Southland's Cottonseed Cake and Meal."