

MISCELLANEOUS FOOD PRODUCTS

4692. Misbranding of matte. U. S. v. 53 Dozen Tins and 25 Cases of Little's Brazilian Tea (Matte). Default decree of condemnation and destruction. (F. D. C. Nos. 7857, 7931. Sample Nos. 95541-E, 11181-F.)

This product was labeled to indicate that it was the usual tea of commerce whereas it was matte. It was short of the declared weight. One of the lots was falsely represented to contain vitamin C.

On July 18, 1942, the United States attorney for the Northern District of California filed a libel against 53 dozen tins and 25 cases, each containing 12 cartons of 12 tins each, of the above-named product, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 29 and July 15, 1942, by Little & Co., Inc. from Chicago, Ill. The article was labeled in part: (Tin) "Little's Brazilian Tea (Matte) Net Wt. 1 1/4 Ozs." A portion was further labeled, in part: "Rich in Minerals and vitamin C."

The article was alleged to be misbranded (1) in that the prominent word "tea" on the labeling was false and misleading, since the article was not the usual tea of commerce; (2) in that the statement, "Net Wt. 1 1/4 Ozs.," was false and misleading as applied to an article that was short weight; (3) in that it was in package form and did not bear a label containing an accurate statement of quantity of contents; and (4) in that the statement on the labeling of a portion "Rich in * * * Vitamin C" was false and misleading, since no vitamin C was found.

On January 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4693. Adulteration of dill pickles. U. S. v. 142 Cases of Dill Pickles. Default decree of condemnation and destruction. (F. D. C. No. 9238. Sample Nos. 18759-F, 18947-F.)

This product contained insect fragments and rodent hair fragments.

On January 23, 1943, the United States attorney for the Southern District of New York filed a libel against 142 cases of dill pickles at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 16, 1942, by the Rosehill Packing Co., Inc., from Rosehill, N. C., to Newark, N. J., and had been reshipped to 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 may have become contaminated with filth. The article was labeled in part: (Jars) "Processed Dill Pickles * * * Sunbeam * * * Francis H. Leggett & Co., Distributors, New York, N. Y., U. S. A."

On February 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4694. Adulteration of hot sauce. U. S. v. 150 Cases and 29 Cases of Hot Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 9026, 9027. Sample Nos. 37603-F, 37604-F.)

This product contained insect fragments.

On December 16, 1942, the United States attorney for the Eastern District of Michigan filed libels against 150 cases, each case containing 24 bottles, of hot sauce at Detroit, Mich., and 29 cases at Pontiac, Mich., alleging that the article had been shipped in interstate commerce within the period from on or about July 3 to November 19, 1942, by the J. J. Garvey Co., from New Orleans, La.; and charging that it was adulterated in that it contained in whole or in part a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bottles) "Garvey's Louisiana 'Hot Stuf.'"

On January 26, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4695. Adulteration and misbranding of alfalfa meal. U. S. v. Oliver W. Randolph (Randolph Alfalfa Co.). Plea of nolo contendere. Fine, \$1. (F. D. C. No. 8733. Sample Nos. 68222-E, 68223-E.)

On December 17, 1942, the United States attorney for the Eastern District of Michigan filed an information against Oliver W. Randolph, trading as Randolph Alfalfa Co. at Erie, Mich., alleging shipment on or about April 20, 1942, from the State of Michigan into the State of Maryland of quantities of alfalfa meal that was adulterated and misbranded. The article was labeled in part: "Alfalfa Meal Medium Coarse Ground [or "Dehydrated Alfalfa Meal"] * * * Manufactured for The National Alfalfa Co. Toledo, Ohio."

The portion labeled "Medium Coarse Ground" was alleged to be adulterated in that a valuable constituent, the leafy part of the alfalfa hay, had been in part omitted or abstracted from the hay from which the meal was ground.

The portion labeled "Medium Coarse Ground" was alleged to be misbranded in that the statements "Protein not less than 13.0%" and "Fibre not more than 33.0%" displayed on the tag were false and misleading since the article contained only 11.34 percent of protein, and contained more than 33 percent, namely, 36.74 percent of fibre.

The dehydrated alfalfa meal was alleged to be misbranded in that the statements "Protein not less than 17.0%" and "Fibre not more than 28.0%" displayed upon the tag were false and misleading since it contained 13.40 percent of protein and 33.23 percent of fibre.

On February 26, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$1.

4696. Adulteration of raw chicken fat. U. S. v. 2 Tubs of Raw Chicken Fat. Default decree of condemnation. Product ordered disposed of as salvage fats. (F. D. C. No. 9055. Sample No. 17630-F.)

This product contained pieces of skin, liver, and intestines, and was contaminated with fecal material and extraneous material resembling floor dirt.

On December 21, 1942, the United States attorney for the Southern District of New York filed a libel against 2 50-pound tubs of raw chicken fat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 8, 1942, by Albert Richards Co., Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On January 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the New York Salvage Committee to be salvaged for technical war purposes.

4697. Misbranding of oil. U. S. v. 45 Cases of Oil. Consent decree of condemnation. Product ordered released under bond for repacking and for relabeling. (F. D. C. No. 7415. Sample No. 89396-E.)

This product consisted essentially of a mixture of corn oil and peanut oil containing little, if any, olive oil.

On April 29, 1942, the United States attorney for the District of New Jersey filed a libel against 45 cases, each containing 6 1-gallon cans of oil, at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 10, 1942, by Rogol Distributors, Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that the statement "Corn and Peanut Oil Blended with the Natural Oil of Fine Crushed Olives" borne on the label was false and misleading as applied to an article containing little, if any olive oil. The article was labeled in part: "Rogola Brand."

On December 21, 1942, Rogol Distributors, Inc., claimant, having filed an answer denying the allegation of misbranding, the case came on for trial before the court. However, before the completion of the Government's case the claimant withdrew its answer and entered into a stipulation in open court admitting the allegations of the libel and consenting to the entry of a decree. Judgment was thereupon entered condemning the product and ordering that the claimant pay \$100 in lieu of costs and file a bond conditioned that the product be repacked and/or relabeled under the supervision of the Food and Drug Administration.

4698. Misbranding of oil. U. S. v. 5 Cans of Oil. Default decree of condemnation. Product ordered sold by marshal. (F. D. C. No. 8668. Sample No. 17414-F.)

On or about November 3, 1942, the United States attorney for the District of Connecticut filed a libel against 5 5-gallon cans of oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about October 5, 1942, by the Alba Trading Co., Inc., from New York, N. Y.; and charging that it was misbranded in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation," and immediately thereafter, the name of the food imitated, and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient. The article was labeled in part: (Sticker on can) "Bertola Fine Oil Olive Infused."

On March 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold by the marshal on the condition that the purchaser repack and relabel it under the supervision of the Food and Drug Administration.