vanillin, and sodium benzoate. The cocoa substitute was alleged to be misbranded in that the statement "Breakfast Cocoa Substitute" was false and misleading since the product, when brewed in a manner similar to cocoa, did not have any "cocoa" characteristics and would not be regarded as a "breakfast cocoa substitute."

The cocoa substitute and the portions of the chocolate sirup substitute at Gardiner, Maine, and Miami, Fla., were alleged to be misbranded further in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient since cocoa shells were not declared, and in that they contained artificial flavoring, vanillin, and failed to bear labeling stating that fact.

The chocolate sirup substitute located at Providence, R. I., was alleged to be misbranded in that the statements "Net Wt. 1 Lb." and "Net Wt. 1 Pt." appearing on the jars were false and misleading as applied to the article since it was short of the declared weight or volume, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

Between April 21 and August 23, 1943, no claimant having appeared, judgments of condemnation were entered. The product located at Providence, R. I., was ordered distributed to a charitable institution and the products located at Gardiner, Maine, and Miami, Fla., were ordered destroyed.

4953. Adulteration of cocoa beans. U. S. v. 225 Bags of Cocoa Beans. Consent decree of condemnation. Product ordered released under bond to be denatured and processed into soap stock. (F. D. C. No. 9416. Sample No. 18587-F.)

This product had become contaminated with chromic acid, after its receipt in interstate commerce, as a result of a leakage of chromic acid from a tank located on the floor above the room where it was stored.

On February 27, 1943, the United States attorney for the District of New Jersey filed a libel against 225 140-pound bags of cocoa beans at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about May 5, 1942, from New York, N. Y.; and charging that it was adulterated in that it contained an added deleterious substance, chromic acid, which might render it injurious to health.

On July 3, 1943, Samuel Cranston, having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and manufactured into soap stock.

SUGAR

4954. Adulteration of sugar. U. S. v. 79 Bags of Sugar. Default decree of condemnation and destruction. (F. D. C. No. 8661. Sample No. 6065-F.)

This product was being stored, after shipment, under insanitary conditions; many of the bags had been cut by rodents, and rodent pellets and what appeared to be rodent urine stains were noted on a large number of the bags.

On October 30, 1942, the United States attorney for the Western District of Arkansas filed a libel against 79 100-pound bags of sugar at Nashville, Ark., in the possession of the Wooten Grocery Co., alleging that the article had been shipped in interstate commerce on or about July 30, 1942, from Reserve, La.; 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 may have become contaminated with filth. The article was labeled in part: "Godchaux's Pure Cane Sugar * * * Extra Fine Granulated."

On January 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4955. Adulteration of cane sugar. U. S. v. 7½ Bags of Cane Sugar. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 8185. Sample No. 4616-F.)

This product had been stored under insanitary conditions after shipment and, when examined, it was contaminated with rodent excreta pellets and rodent hairs, there were rodent pellets on and around the bags, and numerous bags showed rodent urine stains.

On August 22, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 7½ bags, each full bag containing 100 pounds, of cane sugar at Chattanooga, Tenn., alleging that it had been shipped on or about April 7, from New Orleans, La., and that it was in the possession of the C. D. Kenny Co. at Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed 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: "H. & E. Cane Sugar * * * Confectioners."

On December 9, 1942, the C. D. Kenny Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

4956. Adulteration of butter. U. S. v. 55 Boxes of Butter. Default decree of condemnation. All but one box ordered delivered to County Fat Salvage Unit for war purposes; remaining box subsequently condemned and ordered destroyed. (F. D. C. No. 8448. Sample No. 27524-F.)

On September 4, 1942, the United States attorney for the District of Nevada filed a libel against 55 boxes, each containing 30 1-pound cartons, of butter at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by the Brooklawn Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance since it contained insect parts, rodent hairs, plant fiber, and nondescript dirt, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Carton) "Brooklawn Creamery Butter."

On April 9, 1943, the product having become moldy and rancid and unmarketable, the United States attorney and the claimant, the Brooklawn Creamery Co., entered into a stipulation authorizing and directing the marshal to deliver all but one box of the article to the County Fat Salvage Unit. On June 14, 1943, the Brooklawn Creamery Co. having withdrawn its answer and having consented to the entry of a decree, judgment of condemnation was entered with respect to the remaining box of the product and it was ordered destroyed.

4957. Adulteration of butter. U. S. v. 104 Cases, 6 Cases, and 14 Cases of Butter. Decree of condemnation. Product ordered released under bond conditioned that it be reworked into butter oil. (F. D. C. No. 9011. Sample No. 28261-F.)

This product contained excessive mold and filthy material.

On November 28, 1942, the United States attorney for the Northern District of Georgia filed a libel against 104 cases, each containing 30 1-pound rolls, and 20 cases, each containing 30 1-pound prints, of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 14, 1942, by Wilson & Co. from Beaumont, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: (Rolls) "Clear Brook Finest Creamery Butter," (prints) "Clearbrook Creamery Butter," or "Blue Bell Creamery Butter * * * Blue Bell Creameries Brenhan and Giddings, Texas."

On January 22, 1943, Wilson & Co. having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it might be reworked into butter oil under the supervision of the Food and Drug Administration. The reworked product was not satisfactory, and the product was sold to a rendering plant.

4958. Adulteration of butter. U. S. v. 9 Cases and 3 Cartons of Butter. Decrees of condemnation. One lot ordered released under bond for reworking. Remaining lot ordered denatured. (F. D. C. Nos. 8982, 10497. Sample Nos. 31722-F, 48465-F.)

On or about November 27, 1942, and August 19, 1943, the United States attorney for the Southern District of Ohio filed libels against 9 cases and 3 cartons of butter at Cincinnati, Ohio, which had been consigned on or about November 20, 1942, and August 13, 1943, alleging that the article had been shipped in interstate commerce by the Napoleon Creamery Co. from Napoleon, Ind.; and charging that it was adulterated. The article was labeled in part: (Wrappers) "Butter Countryside Farm Products Co. * * * Cincinnati, Ohio," or "Spring Dale Brand Creamery Butter."

One lot was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The remaining lot was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance, indicated by the presence of mold mycelia.

On December 1, 1942, the Napoleon Creamery Co., having appeared as claimant for the lot which was adulterated because of low milk fat content, and having consented to the entry of a decree, judgment of condemnation was entered and the prod-