

On May 4, 1943, the Kroger Grocery and Baking Co. of Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging by separating the fit portion from the unfit portion, and destruction of the latter, under the supervision of the Food and Drug Administration.

#### MISCELLANEOUS SACCHARIN PRODUCTS

**5139. Misbranding of honey and peanut butter. U. S. v. H & M Packing Co., Inc. Plea of guilty. Fine, \$1,000. (F. D. C. No. 9667. Sample Nos. 17057-F, 18547-F.)**

On November 24, 1943, the United States attorney for the Eastern District of New York filed an information against the H & M Packing Co., Inc., at Brooklyn, N. Y., alleging (1) that the defendant, on or about February 18, 1943, shipped from Brooklyn, N. Y., to Worcester, Mass., and caused to be shipped from Worcester, Mass., back to Brooklyn, N. Y., a quantity of honey; and (2) that the defendant on or about March 13, 1943, shipped from Brooklyn, N. Y., to Asbury Park, N. J., a quantity of peanut butter. The articles were labeled in part: (Cases) "12 3 lbs.," and (jars) "Alice Lee Honey 3 lbs. Distributed by New England Grocer Supply Co. Worcester, Massachusetts," or "Champion Brand Peanut Butter \* \* \* Net Wt. 1 Lb."

The honey was alleged to be misbranded in that the statement "3 lbs" borne on the cases and jars was false and misleading since the jars did not contain 3 pounds of honey but contained a smaller amount. The peanut butter was alleged to be misbranded in that the statement "Net Wt. 1 lb." borne on the jar was false and misleading since the jars did not contain 1 pound net weight of peanut butter but contained a smaller amount. Both products were alleged to be misbranded further in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents, since the statements borne on the labels were incorrect.

On January 12, 1944, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$1,000.

**5140. Misbranding of honey. U. S. v. 29 Cartons of Honey. Default decree of condemnation and destruction. (F. D. C. No. 9386. Sample No. 20204-F.)**

On February 18, 1943, the United States attorney for the District of Massachusetts filed a libel against 29 cartons, each containing 12 3-pound jars, of honey at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about January 5, 1943, by the H & M Packing Co., Inc.; from Brooklyn, N. Y.; and charging that it was misbranded in that the label statement "3 lbs." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Jars) "Alice Lee Honey 3 Lbs. Distributed by New England Grocer Supply Co. Worcester, Massachusetts."

On April 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was delivered to a charitable institution by the marshal.

**5141. Misbranding of honey. U. S. v. 11 Cases of Honey. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9883. Sample No. 44838-F.)**

This product was short-weight.

On or about May 5, 1943, the United States attorney for the District of New Jersey filed a libel against 11 cases, each containing 24 jars, of honey at Long Branch, N. J., alleging that the article had been shipped in interstate commerce on or about April 7, 1943, by Safe Owl Products, Inc., from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "King Bee Brand Pure Honey Net Weight 4 Ozs."

The article was alleged to be misbranded in that the statement "Net Weight 4 Ozs." was false and misleading as applied to an article that was short weight and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.