5142. Misbranding of honey. U. S. v. 168 Cases of Honey. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 9882. Sample No. 44306–F.)

This product was short-weight.

On or about May 6, 1943, the United States attorney for the District of New Jersey filed a libel against 168 cases, each containing 24 jars, of honey at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 2, 1943, by Silver Hill Products, Inc., from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "Silver Hill Imported Honey Net Wt. 1 Lb."

The article was alleged to be misbranded in that the statement "Net Wt. 1 Lb." 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 23, 1943, Silver Hill Products, Inc., having appeared as claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for filling the jars, under the supervision of the Food and Drug Administration, so that they would contain the 1 pound of the product as declared on the label.

5143. Misbranding of honey butter. U. S. v. 5 Cartons of Honey Butter. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9795. Sample No. 45142–F.)

This product was short-weight, and analysis showed it to be whipped honey containing no butterfat or milk solids.

On April 27, 1943, the United States attorney for the Southern District of New York filed a libel against 5 cartons of honey butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 22, 1943, by Merit Food Products from Hackensack, N. J.; and charging that it was misbranded. The article was labeled in part: (Jars) "Sun Valley Farms Honey Butter * * * . E. A. Dreher, Jr. Distributor * * * Newark, N. J."

The article was alleged to be misbranded in that the name "Honey Butter" was false and misleading as applied to whipped honey containing no butter, since mixtures of honey and butter have been found on the market under the name "Honey Butter." It was alleged to be misbranded further in that the statement "1 Lb.," appearing on the label, 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 May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On May 13, 1943, an amended decree was entered ordering that samples be delivered to the Food and Drug Administration and that the remainder be delivered to a welfare organization.

5144. Adulteration of Cerelose. U. S. v. 56 Sacks of Cerelose. Consent decree of condemnation. Product ordered released under bond to be mixed and disposed of as stock feed. (F. D. C. No. 9854. Sample No. 11106–F.)

This product had been stored under insanitary conditions after shipment in interstate commerce.

On April 23, 1943, the United States attorney for the Northern District of California filed a libel against 56 100-pound sacks of Cerelose (dextrose sugar) in possession of Fluhrer's Bakeries, at Eureka, Calif., alleging that the article had been shipped in interstate commerce on or about December 16, 1941, and January 6, 1942, from Kansas City, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs, rodent pellets, and urine, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 18, 1943, Fluhrer's Bakeries, Eureka, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration. The product was mixed with barley and disposed of as stock feed.

5145. Misbranding of "Swee-Teen." U. S. v. 15 Cases of "Swee-Teen." Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9811. Sample Nos. 7397–F, 8696–F.)

This product was a mixture of gelatinized starch with small amounts of sodium bicarbonate salt, and tartaric acid. When used as directed it would produce invert sugar, but would not act as a sugar saver.