MISCELLANEOUS CHOCOLATE AND SACCHARINE PRODUCTS

5646. Adulteration and misbranding of icing. U. S. v. 1 Wooden Tub of Kisky's Silver Frost. Default decree of condemnation and destruction. (F. D. C. No. 10778. Sample No. 55215–F.)

This product contained from 10 to 12 percent of mineral oil.

On September 18, 1943, the United States attorney for the Eastern District of Washington filed a libel against 1 wooden tub of Kisky's Silver Frost at Goldendale, Wash., alleging that the article had been shipped in interstate commerce on or about August 26, 1943, by the J. B. Kisky Co., Portland, Oreg.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that mineral oil, a non-nutritive substance, had been substituted in part for vegetable oil, which it was labeled to contain; and in that mineral oil, a non-nutritive substance, had been added to or mixed or packaged with the article so as to reduce its quality or strength.

It was alleged to be misbranded in that the statement appearing in its labeling, "Prepared from; Sugar, Vegetable Oils, Glycerine, Egg Albumen, Glucose, Invert Syrup, Salt, Lecithin, Vegetable Gums, Vanillin, Aliphatic acids, Ketones, Sesame Oil," was false and misleading as applied to an article that contained mineral oil.

On November 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5647. Adulteration of cake topping. U. S. v. 2 Barrels of Cake Topping. Default decree of destruction. (F. D. C. No. 10815. Sample No. 34246–F.)

On September 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 2 barrels, each containing about 175 pounds, of cake topping at Martins Ferry, Ohio, alleging that the article had been shipped in interstate commerce on or about July 23, 1943, by Hardesty & Stineman, Pittsburgh, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of beetles, larvae, and insect fragments. The article was labeled in part: "H & S Brand Cake Topping."

On November 2, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

5648. Adulteration of imitation cocoa. U. S. v. 16 Bags of Imitation Cocoa. Decree of condemnation and destruction. (F. D. C. No. 10706. Sample No. 34229–F.)

On September 8, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 16 bags, each containing about 100 pounds, of imitation cocoa at Pittsburgh, Pa., alleging that the article had been shipped on or about May 25, 1943, by the Norda Essential Oil and Chemical Co. from New York City; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, cast skins, insect fragments, and rodent hair fragments. The article was labeled in part: "Norda Maid Imitation Cocoa Flavor."

On October 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5649. Misbranding of cocoa and chocolate stretcher. U. S. v. 275 Cases of Cocoa and Chocolate Stretcher. Default decree of condemnation and destruction. (F. D. C. No. 10278. Sample No. 42823–F.)

Examination showed that this product consisted of cocoa shells with added cocoa butter, and that it simulated cocoa in appearance and odor.

On July 22, 1943, the United States attorney for the Eastern District of Washington filed a libel against 275 cases, each containing 12 1-pound packages, of cocoa and chocolate stretcher at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about May 14, 1943, from San Francisco, Calif., by the Sheldon Products Co.; and charging that it was misbranded. The article was labeled in part: (Bags) "Food Craft Cocoa and Chocolate Stretcher."

The article was alleged to be misbranded in that the statement, "Cocoa and Chocolate Stretcher Doubles Portions" was false and misleading since the article would not double portions of cocoa and chocolate; in that the statement, "Use half and half with your favorite cocoa or chocolate to make cocoa and chocolate drinks, syrups, candy, frostings and milk shakes," was false and misleading since cocoa shells are not ingredients of cocoa and chocolate drinks, sirups, candy, frostings, and milk shakes; in that it was an imitation of another food, cocoa,