5837. Adulteration of cocoa substitute. U. S. v. 20 Cases and 44 Cases of Cocoa Substitute. Default decrees of condemnation and destruction. (F. D. C. Nos. 10910, 11709. Sample Nos. 12566–F, 43195–F.)

LIBELS FILED: October 9, 1943, Eastern District of Washington; and January 26, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about June 11 and July 17, 1943, from Cleveland, Ohio, by J. B. Robinson.

PRODUCT: 20 cases of cocoa substitute at Yakima, Wash., and 44 cases of cocoa substitute at San Francisco, Calif.

LABEL, IN PART: "Robinson's Fine Breakfast Cocoa Substitute."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence (portion at Yakima) of insect and worm fragments and rodent hairs, and (portion at San Francisco) insect fragments and fragments resembling rodent hairs.

DISPOSITION: December 1, 1943, and May 20, 1944. No claimant having appeared, decrees of condemnation were entered and the product was ordered destroyed.

5838. Adulteration and misbranding of "Malacocoa." U. S. v. 7 Bags of Natural Malacocoa. Decree of condemnation. Product ordered sold for use as animal feed. (F. D. C. No. 10792. Sample No. 52919–F.)

LIBEL FILED: September 17, 1943, District of Maryland.

ALLEGED SHIPMENT: On or about August 2, 1943, by Mallet and Co., Pittsburgh, Pa.

PRODUCT: 7 bags, each containing 100 pounds, of Natural Malacocoa at Baltimore, Md.

LABEL, IN PART: (Back of tag) "Natural Malacocoa Directions: Use up to 50% to replace Cocoa for all regular Cocoa uses."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), roasted cottonseed flour had been substituted in whole or in part for cocoa, which the article was represented to be.

Misbranding, Section 403 (a), the statement "Malacocoa" was false and misleading since it implied that the article was or contained cocoa; and, Section 403 (b), it was offered for sale under the name of another food, cocoa, since it was invoiced as "Mallo Cocoa."

DISPOSITION: November 3, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as animal feed.

5839. Adulteration of honey. U. S. v. 49 Barrels of Honey. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10863. Sample No. 46124–F.)

LIBEL FILED: October 1, 1943, District of Maryland.

ALLEGED SHIPMENT: On or about September 16, 1943, by M. Golodetz & Co., Norfolk, Va.

PRODUCT: 49 barrels of honey at Baltimore, Md.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hair fragments, bee fragments, and bee excreta.

DISPOSITION: October 7, 1943. M. Golodetz & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be disposed of in violation of the law. The unfit portion was segregated and used for non-food purposes.

5840. Adulteration of sugar. U. S. v. 272 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for remanufacturing or re-refining. (F. D. C. No. 10851. Sample No. 25669–F.)

LIBEL FILED: October 15, 1943, Southern District of Alabama.

ALLEGED SHIPMENT: On or about October 21, 1942, from New Orleans, La.

PRODUCT: 272 bags of sugar at Selma, Ala., in possession of the Selma Manufacturing Co.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, rodent excreta and rodent hairs; and,