

to be; and, Section 402 (b) (4); cocoa shells had been added or mixed or packed with the product so as to reduce the quality and strength.

Misbranding, Section 403 (a), the statements "Cocoa Blend" and "Blend Cocoa" were false and misleading as applied to a mixture of cocoa and cocoa shells; and, Section 403 (b), the product was offered for sale under the name of another food, cocoa.

DISPOSITION: July 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUP

6078. Adulteration and misbranding of imitation maple sirup. U. S. v. 47 Cases of Pancake Syrup. Default decree of condemnation and destruction. (F. D. C. No. 12851. Sample No. 74607-F.)

LIBEL FILED: July 5, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about May 12, 1944, by the Metropolitan Pool Car Associates, from New York, N. Y.

PRODUCT: 47 cases, each containing 4 jugs, of imitation maple sirup at Portland, Oreg.

The sirup had been shipped from New York to Seattle, Wash., where it arrived in a damaged condition and was reshipped by the agent of the Union Pacific Railroad Co. at Seattle to Portland, Oreg., for salvage.

LABEL, IN PART: (Jug) "Maison Royal Pancake Syrup Imitation Maple Syrup * * * Packed by Whitehall Food Manufacturing Corp. Brooklyn, New York."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was fermented.

Misbranding, Section 403 (a), the statement in the ingredient list on the labeling, "made from pure cane sugar sirup," was false and misleading as applied to a sugar and water solution which contained only about 57 percent sugar, whereas sugar sirup should contain not less than 65 percent sugar.

DISPOSITION: August 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6079. Adulteration and misbranding of maple sirup. U. S. v. 37 Cases and 25 Cases of Maple Syrup. Default decrees of condemnation. Product ordered delivered to local institutions. (F. D. C. Nos. 12912, 13024. Sample Nos. 76227-F, 82166-F.)

LIBELS FILED: On or about July 11 and 26, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about May 16 and 26, 1944, by the Tiffany Extract Co., Paterson, N. J.

PRODUCT: Maple sirup, 62 cases, each containing 24 bottles, at New York, N. Y.

Analysis showed that this product was a sugar sirup which contained more than 35 percent water and little or no true maple sugar or maple sirup. It had a flavor and odor similar to maple sirup.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sap, had been in whole or in part omitted; and, Section 402 (b) (2), sugar sirup containing more than 35 percent water and little or no true maple sugar or maple sirup had been substituted for maple sirup.

Misbranding, Section 403 (a), the statement, "100% Grade A Pure Vermont Maple Syrup Sap," and the design of a maple leaf and maple trees, appearing in the labeling of the product, were false and misleading; Section 403 (c), the article was an imitation of maple sirup and its label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: August 2 and 24, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution and a local hospital.