

sorghum sirup, whereas, the food did not consist of sorghum sirup but did consist in part, of a substance other than sorghum sirup.

PLEA: Nolo contendere.

DISPOSITION: 10-6-61. \$50 fine.

27778. Grenadine sirup. (F.D.C. No. 46741. S. Nos. 42-027/8 T, 42-032/3 T, 42-945/6 T.)

QUANTITY: 46 cases, 12 8-oz. btls. each; 38 cases, 12  $\frac{1}{2}$ -pt. btls. each; and 52 cases, 12  $\frac{1}{5}$ -pt. btls. each, at Pennsauken, N.J.

SHIPPED: Between 7-14-61 and 10-26-61, from Brooklyn, N.Y., by Virginia Dare Extract Co., Inc.

LABEL IN PART: (Btl.) "Virginia Dare Grenadine Syrup Delicious Topping for ice cream, fruit cup and grapefruit. \* \* \* Contains: sugar, water, pure flavors, citric acid \* \* \* Mfg. by Virginia Dare Extract Co., Inc., Brooklyn, N.Y."

RESULTS OF INVESTIGATION: The ingredient statement was inconspicuous due to being printed in very small type making it almost illegible; the label of the  $\frac{1}{5}$ -pint bottle did not bear the quantity of contents statement; and examination showed that the article was short in volume.

LIBELED: 11-27-61, Dist. N.J.,

CHARGE: 403(f)—when shipped, the information required by 403(i)(2) to appear on the label, namely, the common or usual names of the ingredients contained therein, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the label) as to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 2-6-62. Default—delivered to charitable institutions.

27779. Creme de Menthe sirup and grenadine sirup. (F.D.C. No. 47170. S. Nos. 51-528 T, 51-530 T.)

QUANTITY: 10 cases, 24 btls. each, of Creme de Menthe sirup; and 10 cases, 24 btls. each, of grenadine sirup, at Portland, Oreg.

SHIPPED: 1-4-62, from Savannah, Ga., by Fournier, Inc.

LABEL IN PART: (Btl.) "Fournier's Creme de Menthe Syrup Net Contents 8 Oz. Avd. \* \* \* Packed by Fournier, Inc., Savannah, Ga." and "Fournier's Grenadine Syrup Net Contents 8 Oz. \* \* \* Packed by Fournier, Inc., Savannah, Ga."

LIBELED: 3-1-62, Dist. Oreg.

CHARGE: Creme de Menthe sirup. 403(a)—when shipped, the name "Creme de Menthe Syrup" was false and misleading as applied to a product which was a non-alcoholic sirup; 403(e)(2)—its label failed to bear an accurate statement of the quantity of contents, since the article was a liquid and the quantity of contents was not stated in terms of liquid measure; 403(i)(1)—the label failed to bear the common or usual name of the food, namely "mint-flavored sirup"; and 403(i)(2)—the label failed to bear the common or usual name of each ingredient.

Grenadine sirup. 403(e)(2)—when shipped, the label failed to bear an accurate statement of the quantity of contents, since the article was a liquid and the quantity of contents was not stated in terms of liquid measure; and

403(i) (2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 4-6-62. Default—delivered to a charitable or public institution.

**27780. Frosting mix.** (F.D.C. No. 46524. S. No. 28-024 T.)

QUANTITY: 525 cases, 12 boxes each, at Kansas City, Mo.

SHIPPED: 10-16-61, from Pinckneyville, Ill., by Penick & Ford, Ltd., Inc.

LABEL IN PART: (Box) "Swel R Frosting Mix 7-Minit Fluffy White \* \* \* Net Weight 6½ Oz. (Penick & Ford, Ltd., Inc., New York, N.Y.)"

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 11-6-61, W. Dist. Mo.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: On or about 1-11-62. Consent—claimed by Penick & Ford, Ltd., Inc., New York, N.Y., and relabeled.

**27781. Sugar tablets.** (F.D.C. No. 47054. S. No. 35-763 T.)

QUANTITY: 62 cases, 12 boxes each, at Minneapolis, Minn.

SHIPPED: 8-15-61 and 9-15-61, from Chicago, Ill., and New Orleans, La., by American Sugar Refining Co.

LABEL IN PART: (Box) "Crystal Domino Tablets Pure Cane Sugar \* \* \* 2 Pounds Net Wt. \* \* \* American Sugar Refining Company, Boston, New York, Baltimore, New Orleans."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 2-26-62, Dist. Minn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-12-62. Default—delivered to a charitable institution.

## DAIRY PRODUCTS

### MILK

**27782. Nonfat dry milk.** (F.D.C. No. 45976. S. Nos. 16-688 R, 16-690/2 R, 16-695 R.)

INFORMATION FILED: 12-29-61, S. Dist. Ohio, against Cincinnati Merchandise Warehouse, Inc., Cincinnati, Ohio, and Nicholas C. Link, secretary, treasurer, and general manager.

ALLEGED VIOLATION: Between 4-20-60 and 11-18-60, the defendants caused quantities of nonfat dry milk, while held for sale after shipment in interstate commerce, to be held in a building that was accessible to insects, and to be exposed to contamination by insects, which acts resulted in the nonfat dry milk being adulterated.

CHARGE: 402(a) (3)—contained insect larvae and cast skins; and 402(a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-29-61. Corporation—\$500 fine; Link—\$150 fine.