7002. Adulteration and misbranding of Gra-Pae and Blackberry Bernae (imitation fruitades). U. S. v. 52 Cases of Gra-Pae and 44 Cases of Blackberry Bernae. Default decree of condemnation and destruction. (F. D. C. No. 13056. Sample Nos. 54894-F, 54895-F.)

LIBEL FILED: July 25, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about February 19 and March 11, 1944, by Monticello Products Co., from Chicago, Ill.

PRODUCT: 52 cases, each containing 12 ⅘-quart bottles of Gra-Pae, and 44 cases, each containing 12 ⅘-quart bottles, of Blackberry Bernae, at Milwaukee, Wis.

LABEL, IN PART: (Bottles) "Thomas Brand Gra-Pae [or "Blackberry Bernae Imitation"] * * * Prepared by Thomas Co., Chicago, Ill."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (3), inferiority had been concealed by the use of artificial flavoring and artificial coloring; and, Section 402 (b) (4), artificial flavoring, artificial coloring, and saccharin had been added to and mixed and packed with the articles so as to reduce their quality and strength and make them appear better and of greater value than they were.

Misbranding, Section 403(a), the name "Gra-Pae" and the design of bunches of grapes, and the name "Blackberry" and the design of blackberries, borne on the labels, were misleading as applied to artificially flavored and colored acidulated beverages sweetened with sugar and saccharin; Section 403(c), they were imitations of other foods, fruit ades, and the labels 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(k), they contained artificial flavoring and artificial coloring, and failed to bear labeling stating that fact.

DISPOSITION: September 27, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS*

BAKERY PRODUCTS

7003. Adulteration of bread. U. S. v. Safeway Stores, Inc. Plea of nolo contendere. Fine, $150. (F. D. C. No. 12532. Sample Nos. 12287-F, 12288-F, 55258-F, 55262-F.)

INFORMATION FILED: August 4, 1944, District of Oregon, against Safeway Stores, Inc., Portland, Oreg.

ALLEGED SHIPMENT: From July 19 to November 1, 1943, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Julia Lee Wright's * * * Enriched White [or "Sliced Wheat"] Bread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect and larva fragments, insect and larva heads, hairs resembling rodent and cat hairs, fly and mosquito fragments, a feather fragment, and larva capsules; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 14, 1944. A plea of nolo contendere having been entered, the defendant was fined $50 on each of 3 counts, a total of $150.

7004. Adulteration of bread. U. S. v. The Schwebel Baking Co. Plea of guilty. Fine, $500. (F. D. C. No. 11419. Sample Nos. 50115-F, 50117-F.)

INFORMATION FILED: June 19, 1944, Northern District of Ohio, against the Schwebel Baking Co., Youngstown, Ohio.

ALLEGED SHIPMENT: On or about November 11, 1943, from the State of Ohio into the State of Pennsylvania.

LABEL, IN PART: "Schwebel's Wheat [or "Rye"] Bread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, an insect, and rodent hair or hair resembling rodent hair; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 29, 1944. A plea of guilty having been entered, the defendant was fined $250 on each of 2 counts, a total fine of $500.

*See also Nos. 7174, 7192, 7193, 7197.