7996. Adulteration of dextrose. U. S. v. 70 Bags of Dextrose. Default decree of condemnation. Product ordered sold and brought into compliance with the law. (F. D. C. No. 13965. Sample No. 89819–F.)

LIBEL FILED: October 17, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 26, 1944, from Clinton, Iowa.

PRODUCT: 70 100-pound bags of dextrose at Memphis, Tenn., in possession of the Rose Warehouse Co. The article had been stored under insanitary conditions after shipment. Pigeons had roosted on overhead pipes above the lot, and the outside of some of the bags had become contaminated with pigeon excreta. The excreta may have permeated the bags so as to contaminate the sugar itself.

VIOLATION CHARGED: Adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it be brought into compliance with the law, under the supervision of the Federal Security Agency, by eliminating the external and contaminated portions.

7997. Adulteration and misbranding of sorghum sirup. U. S. v. Vernon E. Nicholson (V. E. Nicholson). Plea of guilty. Fine, $100 on count 1; sentence on count 2 of $100 and 90 days in jail suspended for 3 years. (F. D. C. No. 14211. Sample No. 30013–F.)

INFORMATION FILED: March 3, 1945, Eastern District of Texas, against Vernon E. Nicholson, trading as V. E. Nicholson, at Sulphur Springs, Tex.

ALLEGED SHIPMENT: On or about September 9, 1943, from the State of Texas into the State of Idaho.

LABEL, IN PART: "East Texas Sorghum Syrup Made of Sorghum Syrup and Corn Syrup Net Contents: 3 Quarts, 1 Pint."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of corn sirup and partially refined sugar sirup, containing little if any sorghum sirup, had been substituted in whole or in part for sorghum sirup, which the article purported to be.

Misbranding, Section 403 (a), the label statements, "Sorghum Syrup," in large, conspicuous type, and "Made of Sorghum Syrup and Corn Syrup," in smaller and less conspicuous type, were false and misleading; Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than 3 quarts and 1 pint of sirup; and, Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient, since it failed to bear a statement that the article contained partially refined sugar sirup.

DISPOSITION: May 14, 1945. A plea of guilty having been entered, the defendant was fined $100 on count 1, and a sentence on count 2 of $100 and 90 days in jail was suspended for 3 years.

7998. Misbranding of sirup. U. S. v. 106 Cases of Sirup. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12399. Sample No. 49978–F.)

LIBEL FILED: May 16, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 13, 1944, by the Victory Extract Manufacturing Co., from Rochester, N. Y.

PRODUCT: 106 cases, each containing 24 1-pint bottles, of sirup at Erie, Pa.

LABEL, IN PART: (Bottles) "Pan-Tree Brand Syrup * * * Pan-Tree Food Products Co. Division Victory Extract Mfg. Co. Rochester, N. Y."

VIOLATION CHARGED: Misbranding, Section 403 (c), the product was an imitation of another food, 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.

DISPOSITION: March 13, 1945. The Food Products Co., Division of Victory Extract Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.