NATURE OF CHARGE: Adulteration, Section 402 (c), the products contained a coal-tar color, Quinizarin Green SS, D & C Green No. 6, which had not been listed for use in foods in accordance with the regulations and was other than one from a batch that had been certified.

Misbranding, Section 403 (a), the statement "For Technical Use" on the labels of the "Verd-Oro A" and the "Green Color DS" was false and misleading since the products were to be used for food purposes. Further misbranding (Special Olive Oil Preparation and Grassolio only), Section 403 (i) (2), the products were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of each ingredient.

DISPOSITION: March 29, 1946. A plea of guilty having been entered, the defendant was fined $400 and placed on probation for 2 years.

10343. Adulteration of coal–tar colors and flavors containing coal–tar colors. U. S. v. David Kleckner & Son, Inc. Plea of guilty. Fine, $4,000. (F. D. C. No. 16574. Sample Nos. 78290–F, 87139–F, 88095–F, 88563–F.)

INFORMATION FILED: March 6, 1946, Eastern District of New York, against David Kleckner & Son, Inc. The information charged that the defendant falsely represented and without proper authority used an identification device authorized and required by the coal-tar regulations, in violation of Section 301 (i). The defendant changed in composition a quantity of a coal-tar color which had been certified by the Food and Drug Administration, and labeled the color so changed in composition, with the lot number under which it had been certified. The information charged also that the defendant shipped the color so changed in composition, 1 lot of unlisted and uncertified color, and 2 lots of flavors containing unlisted and uncertified colors between the approximate dates of April 22 and December 4, 1944, from the State of New York into the States of Pennsylvania, Michigan, and Massachusetts.

LABEL, IN PART: "Kleckner's 1 Quart Spinach Green Shade Color * * * Lot No. B–8016," "Kleckner Kolor Green Leaf," "Tipo Silica * * * Flavor," or "Ethers Edible Oil F D & C Yellow #3 Kleckner's Sicilia Ollo Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (c), the Spinach Green Shade Color contained coal-tar colors, Guinea Green B (F D & C Green No. 1), Tartrazine (F D & C Yellow No. 5), and Orange I (F D & C Orange No. 1), which were others than colors from batches that had been certified in accordance with the regulations. The remaining colors contained Butter Yellow (C. I. #19) and Quinizarin Green SS (D & C Green No. 6), which colors had not been listed for use in foods in accordance with the regulations, and were others than ones from batches that had been certified in accordance with the regulations.

DISPOSITION: April 30, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of $4,000 was imposed.

10344. Adulteration of brown chicle. U. S. v. 184 Bags of Brown Chicle. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17579. Sample No. 12422–H.)

LIBEL FILED: September 20, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 18, 1945, by M. D. Bromberg, from New Brighton, Staten Island, N. Y.

PRODUCT: 184 Bags, each containing about 170 pounds, of brown chicle at East Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: January 28, 1946. The Gum Products, Inc., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency, by the scraping of the outside of the blocks of chicle, by the cleaning off of all foreign matter, and by the washing and the filtering of it.