

LABEL IN PART: (Pkg.) "Burgundy Mix * * * Distributor Red Owl Stores, Inc."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight. The article was repacked by the dealer.

LIBELED: 5-13-59, Dist. Minn.

CHARGE: 403(e)(2)—while held for sale, the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 6-4-59. Consent—claimed by Northwest Confections, Inc., and relabeled.

26040. Chocolate-coated peanuts. (F.D.C. No. 43003. S. No. 52-186 P.)

QUANTITY: 93 cases, 24 pkgs. each, at Hopkins, Minn.

SHIPPED: 1-7-59, from Cambridge, Mass.

LABEL IN PART: (Pkg.) "Milk Chocolate Dipped Peanuts * * * Net Wt. 8¼-Oz. * * * Ingredients: Sweet Milk Chocolate (Artificially Flavored With Vanillin), Shelled Peanuts, Lecithin And Salt, Red Owl Stores, Inc., Minneapolis, Minn."

RESULTS OF INVESTIGATION: Examination showed that the article was peanuts coated with imitation milk chocolate composed of sugar, vegetable oil, skim milk powder, chocolate liquor, and emulsifiers.

The article was shipped in bulk to Minneapolis, Minn., and after receipt was repacked by Northwest Confections, Minneapolis, Minn., into the packages labeled as described above.

LIBELED: 5-11-59, Dist. Minn.

CHARGE: 403(a)—while held for sale, the label statements "Milk Chocolate Dipped Peanuts" and "Sweet Milk Chocolate" were false and misleading as applied to an article which was not coated with milk chocolate; and 403(i)(2)—the label failed to bear the common or usual name of each ingredient since "Sweet Milk Chocolate (Artificially Flavored With Vanillin)" is not the common or usual name for a coating composed of sugar, vegetable oil, skim milk powder, chocolate liquor, and emulsifiers.

DISPOSITION: 6-4-59. Consent—claimed by Northwest Confections, Inc., Minneapolis, Minn., and relabeled.

SUGAR

26041. Sugar. (F.D.C. No. 43563. S. No. 59-913 P.)

QUANTITY: 109 100-lb. bags at Baltimore, Md., in possession of Pennsylvania Railroad Co.

SHIPPED: 8-4-59, from outside the United States.

LIBELED: On or about 10-1-59, Dist. Md.

CHARGE: 402(a)(3)—contained insects and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-13-59. Consent—claimed by Lombard & Co., New York, N.Y., and re-refined.

26042. Dextrose sugar. (F.D.C. No. 42720. S. No. 48-363 P.)

QUANTITY: 39 100-lb. bags at San Francisco, Calif., in possession of R & R Sales.

SHIPPED: 11-24-58 and 12-10-58, from Kansas City, Mo.

LIBELED: 3-6-59, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, rodent urine, and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-5-59. Default—destruction.

DAIRY PRODUCTS

BUTTER

26043. Butter. (F.D.C. No. 43501. S. No. 47-190 P.)

QUANTITY: 287 65-lb. ctns. at Chicago, Ill.

SHIPPED: 9-3-59, from St. Louis, Mo., by Paul A. Schulze Co.

LABEL IN PART: "Packed By P. A. Schulze Co."

RESULTS OF INVESTIGATION: Examination showed that the article was made from decomposed cream.

LIBELED: 9-10-59, N. Dist. Ill.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 11-2-59. Consent—claimed by Paul A. Schulze Co. and converted into butter oil.

26044. Butter. (F.D.C. No. 43505. S. No. 85-418 P.)

QUANTITY: 38 64-lb. boxes at New York, N.Y.

SHIPPED: 10-21-59, from Trenton, Mo., by Central Farm Products Co.

LABEL IN PART: "Creamery Butter * * * Manufactured by Central Farm Products, Trenton, Missouri."

RESULTS OF INVESTIGATION: Examination showed that the article was deficient in fat.

LIBELED: 11-9-59, S. Dist. N.Y.

CHARGE: 402(b)(2)—when shipped, the article was below the legal standard for milk fat.

DISPOSITION: 12-8-59. Consent—claimed by J. R. Kramer, Inc., New York, N.Y., and reworked.

MILK

26045. Evaporated skim milk. (F.D.C. No. 43344. S. No. 62-706 P.)

QUANTITY: 50 cases, 48 14½-oz. cans each, at Detroit, Mich.

SHIPPED: 7-11-59, from Defiance, Ohio, by Defiance Milk Products Co.

LABEL IN PART: (Can) "Sunshine Brand Evaporated Skimmed Milk Low in Calories * * * Packed by The Defiance Milk Products Co., Defiance, Ohio * * * Sunshine has those health-giving vitamins and minerals found in milk. People who are obliged to control their intake of fats, have found Sunshine to be just what is needed * * * is especially suitable for those requiring protein, calcium, phosphorus and lactose."

LIBELED: 8-11-59, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the label statements "Low in Calories," "has those health-giving vitamins * * * found in milk" and "especially suitable for those requiring * * * lactose" were false and misleading in that the article was not low in calories, and did not provide all of the vitamins in milk, and in that there is no requirement for lactose in human nutrition; and 403(j)—the article purported to be and was represented as a food for special