

CHOCOLATE, CONFECTIONERY, AND SIRUP**CHOCOLATE PRODUCT**

25870. Cocoa powder. (F.D.C. No. 43372. S. Nos. 57-983/4 P.)

QUANTITY: 20 88.184-lb. bags, and 6 unlabeled 90-lb. bags, at Elizabeth, N.J.

SHIPPED: 11-17-58 and 6-8-59, from New York, N.Y., by J. F. Braun & Sons.

LABEL IN PART: (20-bag lot) "Danish Low-Fat Cocoa Powder * * * Product of Denmark Compex Corp. New York, N.Y."

LIBELED: 9-1-59, Dist. N.J.

CHARGE: 403(g) (1)—when shipped, the article failed to conform to the definition and standard of identity for low-fat cocoa since the article was prepared from cacao nibs having a cacao shell content of more than 1.75 percent of weight.

DISPOSITION: 9-14-59. Default—destruction.

CONFECTIONERY

25871. Candy (F.D.C. No. 42392. S. Nos. 1-876 P, 1-902/4 P, 2-896 P, 2-917 P, 36-969/70 P.)

INFORMATION FILED: 2-27-59, N. Dist. Ga., against Crown Candy Co., Inc., Atlanta, Ga., Paul L. Dorn, president, and Joe H. Williams, secretary-treasurer.

SHIPPED: Between 6-5-58 and 7-2-58, from Georgia to South Carolina, Florida, Tennessee, and North Carolina.

LABEL IN PART: (Case) "Crown's Peco Flake Quality Candies 23 Lbs. Crown Candy Co., Inc. Atlanta, Ga.," (box) "Net Weight One Full Pound Peggy Kellogg Butter Peanut Brittle Sold only by Sears, Roebuck and Company, Chicago, Illinois and other leading cities," and "Old Fashioned Peanut Squares Net Weight 30 From Crown Candy Company Manufacturers Atlanta, Ga."

CHARGE: 402(a) (3)—contained insect parts, rodent hairs, and rodent hair fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 4-2-59. Corporation—\$250 fine; 6-3-59, each individual—\$25 fine which was remitted.

25872. Candy. (F.D.C. No. 38585. S. Nos. 3-394 M, 23-190/1 M.)

INFORMATION FILED: 1-31-57, S. Dist. N.Y., against Anthony Scaccianoce, Bronx, N.Y.

SHIPPED: 8-24-55, from New York to Rhode Island and Massachusetts.

CHARGE: 402(a) (3)—contained insects and insect fragments; and 402(a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-4-57. \$100 fine.

SIRUP

25873. Sorghum molasses and ribbon cane sirup. (F.D.C. No. 42154. S. Nos. 53-415/6 M.)

INFORMATION FILED: 9-11-58, E. Dist. Tex., against John H. McVay, Sulphur Springs, Tex.

LABEL IN PART: (Jar) "PURE SORGHUM MOLASSES Net Contents 2 Lbs. Made and Sold by JOHN H. McVAY" or "PURE RIBBON CANE SYRUP Sold by JOHN H. McVAY * * * Approximately 2 Lbs."

ALLEGED VIOLATION: On 11-8-57, while a number of unlabeled jars of molasses and sirup were being held for sale after shipment in interstate commerce, the defendant caused the above labels to be affixed to the jars, which acts resulted in the molasses and the sirup becoming adulterated and misbranded.

CHARGE: 402(b)(2)—a mixture of sorghum and partially inverted sugar sirup had been substituted for the articles while held for sale; 403(a)—the label statements "Pure Sorghum Molasses" and "Pure Ribbon Cane Syrup" were false and misleading; 403(b)—the articles were offered for sale under the name of another food; and 403(i)(2)—the labels failed to bear the common or usual name of each ingredient of the articles.

PLEA: Guilty.

DISPOSITION: 9-15-58. Fine of \$100.

25874. Sorghum sirup. (F.D.C. No. 42973. S. No. 27-644 P.)

QUANTITY: 15 cases, 12 cans each, at Red Oak, Iowa.

SHIPPED: 10-11-58, from Rudy, Ark., by Ray Sloan.

LABEL IN PART: (Can) "Pure Country Sorghum * * * Weight 4½ Lbs. or More Made For Ray Sloan, Distr., Rudy, Arkansas," or "Country Sorghum Made From Cane * * * Made For C. Owen, Galena, Kansas, General Delivery, Net Weight 4½ Lbs."

LIBELED: 4-9-59, S. Dist. Iowa.

CHARGE: 402(b)(2)—when shipped, invert sugar sirup had been substituted in whole or in part for sorghum sirup; and 403(a)—the label statements "Pure Country Sorghum" or "Country Sorghum Made From Cane" were false and misleading.

DISPOSITION: 5-11-59. Default—delivered to a public institution for its use and not for sale.

DAIRY PRODUCTS

BUTTER

25875. Butter. (F.D.C. No. 43502. S. Nos. 62-838/9 P.)

QUANTITY: 81 64-lb. cubes, 1 33-lb. cube, and 1 64½-lb cube, at Chicago, Ill.

SHIPPED: Cream was shipped between 8-27-59 and 9-1-59, from Wisconsin, Indiana, Missouri, Kentucky, Arkansas, and Iowa, by various shippers.

RESULTS OF INVESTIGATION: Examination showed that decomposed cream was used in the manufacture of butter.

LIBELED: 9-22-59, N. Dist. Ill.

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

DISPOSITION: 10-6-59. Consent—claimed by Ernster Bros., Chicago, Ill., and converted into butter oil.