

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so made, formed, and filled as to be misleading since the package appeared to hold substantially more candy than was contained in it.

**DISPOSITION:** February 25, May 1, and July 7, 1947. Associated Foods having appeared as claimant for the St. Louis lot, and no claimants having appeared for the other two lots, judgments of condemnation were entered. The St. Louis lot was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency, and the other two lots were ordered delivered to charitable institutions.

**12039. Adulteration of chocolate flavor. U. S. v. 1 Drum \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 22133, 22168. Sample Nos. 64264-H, 64975-H, 64976-H.)

**LIBELS FILED:** December 31, 1946, and January 8, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** Between the approximate dates of November 13 and 21, 1946, by the Hooton Chocolate Co., from Newark, N. J.

**PRODUCT:** 1 75-pound drum and 12 100-pound drums of chocolate flavor at Long Island City and Brooklyn, N. Y., respectively.

**LABEL, IN PART:** "Orinoco Choc. Flavor."

**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 (1 drum) of insect fragments and rodent hair fragments and (12 drums) of rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 17, 1947. No claimant having appeared for either lot, judgments of condemnation were entered and the product was ordered destroyed.

**12040. Adulteration of chocolate flavoring. U. S. v. 30 Packages \* \* \*.** (F. D. C. No. 22454. Sample No. 75103-H.)

**LIBEL FILED:** January 31, 1947, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 12, 1946, by the Hood Products Corp., from New York, N. Y.

**PRODUCT:** 30 1-pound packages of chocolate flavoring at San Francisco, Calif.

**LABEL, IN PART:** "Cal-Par Chocolate Flavor Prepared by Cal-Par Corporation New York, N. Y."

**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 hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**12041. Misbranding of chocolate-flavored sirup. U. S. v. 8 Cans \* \* \*.** (F. D. C. No. 22683. Sample No. 57682-H.)

**LIBEL FILED:** March 6, 1947, District of Maine.

**ALLEGED SHIPMENT:** On or about December 9, 1946, by the Rose Specialty Products, from New York, N. Y.

**PRODUCT:** 8 8-pound cans of chocolate-flavored sirup at Bangor, Maine.

**LABEL, IN PART:** (Cans) "Orchid Brand Bitter Sweet Chocolate Flavored Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the word "Chocolate," which appeared in prominent type on the label, was misleading since it implied that the article had a substantial chocolate content; the statement "Chocolate Liquor," which appeared in the label list of ingredients, was misleading as applied to a product which contained a low-fat cocoa with no, or an insignificant amount of, chocolate; and the label statement "Bitter Sweet" was misleading since it is widely used to indicate a type of chocolate but never a type of cocoa.

Further misbranding, Section 403 (e) (1), the label of the article failed to contain the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (k), the article contained artificial flavoring and

failed to bear labeling stating the fact (It contained vanillin, an artificial flavor).

**DISPOSITION:** July 16, 1947. Default decree of condemnation. The product was ordered delivered to a public institution.

**12042. Adulteration of honey. U. S. v. 400 Cases \* \* \* (and 3 other seizure actions).** (F. D. C. Nos. 22310, 22782, 22783, 22812. Sample Nos. 40494-H, 40495-H, 50855-H, 60986-H.)

**LIBELS FILED:** February 28, March 27, and April 3, 1947, District of New Jersey, Eastern District of Missouri, Eastern District of Illinois, and Western District of Pennsylvania.

**ALLEGED SHIPMENT:** Between the approximate dates of December 24, 1946, and February 4, 1947, by Harrison Wholesalers, from Harrison, N. J. The shipment of December 24 was refused by the consignee and was returned to the shipper.

**PRODUCT:** Honey. 400 cases at Harrison, N. J., 37 cases at St. Louis, Mo., 25 cases at O'Fallon, Ill., and 7 cases at Johnstown, Pa. Each case contained 48 1-pound cans.

**LABEL, IN PART:** "UN-I-CO Brand Pure Bee Honey \* \* \* Packed by Universal Investment Co. \* \* \* Habana, Cuba."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of being fermented.

**DISPOSITION:** April 28 and May 28, 1947. No claimant having appeared for the Pennsylvania lot, and the cases against the other lots having been consolidated, and Harrison Wholesalers, claimant for these other lots having admitted the allegations of the libels against such lots, judgments of condemnation were entered. The Pennsylvania lot was ordered destroyed, and the other lots were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**12043. Adulteration and misbranding of maple sirup. U. S. v. 74 Bottles \* \* \*.** (F. D. C. No. 22238. Sample No. 91041-H.)

**LIBEL FILED:** February 5, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 31, 1946, by Zall & Levinson, from Newark, N. J.

**PRODUCT:** 74 1-quart bottles of maple sirup at New York, N. Y.

**LABEL, IN PART:** Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt. St. Johns Boro."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored sugar sirup containing little, if any, maple sirup had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of an artificial flavoring; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the label of the article failed to contain the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient; and, Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact.

**DISPOSITION:** March 8, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**12044. Adulteration of maple sirup. U. S. v. 89 Bottles.** (F. D. C. No. 22197. Sample No. 76077-H.)

**LIBEL FILED:** January 22, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 31, 1946, by Theodore Zall, Newark, N. J.

**PRODUCT:** 89 1-quart bottles of maple sirup at New York, N. Y.