CHOCOLATE AND SACCHARINE PRODUCTS

CHOCOLATE AND COCOA PRODUCTS*

12452. Adulteration and misbranding of chocolate-flavored sirup. U. S. v. 65 Cases * * *. (F. D. C. No. 23758. Sample No. 94142–H.)

LIBEL FILED: September 15, 1947, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about May 15, 1947, by the Merit-Pak Co., from St. Louis, Mo.

PRODUCT: 65 cases, each containing 24 1-pound bottles, of chocolate-flavored sirup at East St. Louis, Ill.

LABEL, IN PART: "Brownie Chocolate Flavored Syrup with Iron and Vitamin D."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "One Tablespoon in Milk or Sauce Twice a Day Supplies Full Minimum Requirement of Iron" was false and misleading as applied to the article, which did not provide the stated proportion of the minimum daily requirement for iron.

DISPOSITION: November 20, 1947. The Jay-Enn Ice Cream Co., East St. Louis, Ill., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned upon the removal of the labels from the bottles, under the supervision of the Food and Drug Administration, and upon the use of the article as flavoring for ice cream.

12453. Adulteration of cocoa residue powder. U. S. v. 361 Bags * * *. (F. D. C. No. 22790. Sample No. 66055–H.)

LIBEL FILED: March 28, 1947, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 12, 1946, by Waken McLughlin, Inc., from Hammond, Ind.

PRODUCT: 361 60-pound bags of cocoa residue powder at Wilkes-Barre, Pa. The product was a mixture of ground cacao shell and powdered cacao bean. It had the odor, flavor, and appearance of cocoa, but contained more cacao shell than is present in cocoa.

LABEL, IN PART: "Blenco Cocoa Residue Powder."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article purported to be cocoa and failed to conform to the definition and standard of identity for cocoa, since it contained added cocoa shells.

DISPOSITION: July 22, 1947. Default decree of condemnation and destruction.

12454. Misbranding of cocoa residue powder. U. S. v. 82 Bags * * *. (F. D. C. No. 22907. Sample No. 57760–H.)

LIBEL FILED: April 7, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 31, 1946, by the Carr-Consolidated Biscuit Co., from Wilkes-Barre, Pa.

PRODUCT: 82 60-pound bags of cocoa residue powder at West Roxbury, Mass.

LABEL, IN PART: "Blenco Cocoa Residue Powder."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for cocoa. The standard provides that cocoa is a food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs, whereas the article contained added cacao shell.

DISPOSITION: July 15, 1947. Default decree of condemnation and destruction.

CONFECTIONERY**

12455. Adulteration of popcorn confection. U. S. v. Favorite Confection Company. Plea of nolo contendere. Fine, $700. (F. D. C. No. 21550. Sample Nos. 51196–H, 72417–H.)

INFORMATION FILED: January 28, 1947, Western District of Wisconsin, against the Favorite Confection Company, a corporation, Eau Claire, Wis.

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*See also No. 12468.
**See also No. 12419.