

**CHOCOLATE**

**19004. Adulteration of chocolate. U. S. v. 14 Bags \* \* \*. (F. D. C. No. 33098. Sample No. 12346-L.)**

**LIBEL FILED:** April 28, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about May 20, 1947, from Brooklyn, N. Y.

**PRODUCT:** 14 bags, each containing 20 10-pound slabs, of chocolate at Berea, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 26, 1952. Default decree of condemnation and destruction.

**SIRUP**

**19005. Misbranding of sorghum sirup. U. S. v. Charles H. Owen & Charles R. Owen, a partnership, and Charles H. Owen and Charles R. Owen, individuals. Plea of guilty to 2 counts by Charles H. Owen; fine of \$200 and sentence of 60 days in jail. Plea of guilty to 3 counts by Charles R. Owen; fine of \$300 and sentence of 90 days in jail. Jail sentences suspended and both individual defendants placed on probation for 1 year. (F. D. C. No. 31268. Sample Nos. 77956-K, 77957-K, 11472-L, 11475-L.)**

**INFORMATION FILED:** November 24, 1951, Western District of Missouri, against Charles H. Owen & Charles R. Owen, a partnership, Joplin, Mo., and Charles H. Owen and Charles R. Owen, individuals.

**INTERSTATE SHIPMENT:** On or about November 9 and 28, 1950, a number of cans of sirup labeled, in part, "New Crop Sirup A Sorghum Flavor Blend of Cane Sugar Sirup, Corn Sirup, Molasses and Sorghum Sirup," were transported and shipped in interstate commerce from Jefferson, Tex., to Joplin, Mo., by Charles R. Owen.

**ALLEGED VIOLATION:** On or about December 1, 1950, while the sirup was being held for sale after shipment in interstate commerce, the defendants removed and caused the removal of the labels from a portion of the cans and relabeled the cans, in part, "Sorghum Sirup Made of Cane Products Made For and Sold by C. H. Owen Joplin, Missouri," which acts resulted in the sirup in the relabeled cans being misbranded.

The information charged also that on or about February 5, 1951, the defendants shipped from the State of Missouri into the State of Tennessee a number of cans of sirup labeled, in part, "Pure Sorghum," which was misbranded.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the statements "Pure Sorghum" and "Sorghum," borne on the labels, were false and misleading since the article was not sorghum; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

Further misbranding (portions), Section 403 (b), the article was offered for sale under the name of another food; and, Sections 403 (e) (1) and (2), the article was in package form and failed to bear a label containing the name and