

"Thus the Government stands or falls not on the basis of the first two informations, but solely on the basis of the January 17, 1950, information, which was barred by the statute of limitations.

"Defendants' motion to dismiss the information filed January 17, 1950, is hereby granted."

19103. Adulteration of coffee concentrate. U. S. v. 292 Cases (and 9 other seizure actions). (F. D. C. Nos. 32504, 32656, 32686, 32860, 32935, 32946, 32992, 33071, 33079, 33128. Sample Nos. 1084-L, 1086-L, 5848-L, 6259-L, 10839-L, 22310-L, 22471-L, 34147-L, 35510-L, 35777-L, 36086-L.)

LIBELS FILED: Between February 11 and May 9, 1952, District of Massachusetts, Southern District of Florida, Western District of Missouri, District of Minnesota, District of Rhode Island, Western District of Texas, Northern and Southern Districts of Ohio, and Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of October 9 and November 13, 1951, from Dubuque, Iowa.

PRODUCT: Coffee concentrate. 134 cases at Daytona Beach, Fla.; 267 cases at Springfield, Mo.; 79 cases at Rochester, Minn.; 352 cases at Athens, Ohio; 38 cases at Waco, Tex.; 341 cases at Saylesville, R. I.; 292 cases at Fitchburg, Mass.; 37 cases at Fort Worth, Tex.; 37 cases at Indianapolis, Ind.; and 282 cases at Ashland, Ohio. Each case contained 24 6-ounce bottles.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was undergoing progressive decomposition. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: Between March 5 and August 13, 1952. Default decrees of condemnation and destruction.

19104. Adulteration of coffee concentrate. U. S. v. 100 Cases * * *. (F. D. C. No. 32528. Sample No. 1137-L.)

LIBEL FILED: February 20, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 14, 1951, from Dubuque, Iowa.

PRODUCT: 100 cases, each containing 24 6-ounce bottles, of coffee concentrate at Ft. Myers, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 12, 1952. Default decree of condemnation and destruction.

CANDY AND SIRUP

CANDY

19105. Adulteration of candy. U. S. v. 44 Cartons * * *. (F. D. C. No. 32101. Sample No. 19067-L.)

LIBEL FILED: November 16, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about October 31, 1951, by Melster Candies, Inc., from Cambridge, Wis.

PRODUCT: 44 cartons, each containing 12 1½-ounce bars, of candy at Minneapolis, Minn.

LABEL, IN PART: "Melster Cherrie Nut Topped."

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

DISPOSITION: January 2, 1952. A default decree of condemnation was entered, and the court ordered that the product be denatured for use as animal feed or be destroyed. The product was used for hog feed.

SIRUP

19106. Adulteration and misbranding of sorghum sirup. U. S. v. Johnny Lee Lansaw. Plea of guilty. Defendant sentenced to 20 days in jail.
(F. D. C. No. 31276. Sample No. 31952-L.)

INFORMATION FILED: November 24, 1951, Western District of Missouri, against Johnny Lee Lansaw, Joplin, Mo.

INTERSTATE SHIPMENT: Between the approximate dates of November 26, 1950, and January 11, 1951, from the State of Texas into the State of Missouri.

VIOLATION CHARGED: On or about January 11, 1951, while the sirup was held for sale after shipment in interstate commerce, the defendant removed from the cans the labels reading "New Crop Syrup A Sorghum Flavor Blend of Cane Sugar Syrup, Corn Syrup, Molasses and Sorghum Syrup Made By T. J. Blackburn Jefferson, Texas" and relabeled the cans with labels reading "Sorghum * * * Made for and Sold By Roy Lansaw 711 Finn Street, Joplin, Missouri."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of cane sugar sirup, corn sirup, molasses, and sorghum had been substituted for sorghum.

Misbranding, Section 403 (a), the label statement "Sorghum" on the cans was false and misleading; Section 403 (b), the product was offered for sale under the name of another food, sorghum; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 26, 1952. The defendant, having entered a plea of guilty, was sentenced to 20 days in jail.

19107. Adulteration and misbranding of sorghum sirup. U. S. v. 271 Pails, etc.
(F. D. C. No. 31902. Sample No. 33978-L.)

LABEL FILED: October 18, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: On or about September 22, 1951, by Buck Hillman, from Conehatta, Miss.

PRODUCT: Sorghum sirup. 271 4½-pound pails and 98 9½-pound pails at Paducah, Ky.

LABEL, IN PART: "Newton County, Mississippi Honey Drip Sorghum Molasses."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of sorghum and corn sirup had been substituted for sorghum molasses.

Misbranding, Section 403 (a), the label statement "Sorghum Molasses" was false and misleading.

DISPOSITION: April 24, 1952. The A. Switzer Grocery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and