RESULTS OF INVESTIGATION: Investigation revealed that the article was part of a shipment which was submerged in water in North Carolina when the truck transporting the coffee was involved in an accident and ran into a lake.

LIBELED: 5–15–58, M. Dist. N.C.

CHARGE: 402(a)(3)—while in interstate commerce, the article contained dirty lake water and was otherwise unfit for food by reason of having been accidentally submerged in lake water; and 402(a)(4)—held under insanitary conditions in the lake.

DISPOSITION: 6–20–58. Default—destruction.

24853. Coffee. (F.D.C. No. 41447. S. Nos. 29–904/5 P.)

QUANTITY: 51 bags, each containing a number of 3-oz. bags, a total of 398 lbs., and 18 bags, each containing a number of ½-lb. and 1-lb. bags, a total of 304 lbs., at Brooklyn, N.Y., in possession of Mitchell Coffee Co.

SHIPPED: A quantity of bulk coffee was shipped on 1–31–58, from Secaucus, N.J.

LABEL IN PART: (3-oz. bag) "Mitchell's Special Restaurant Coffee"; (½ and 1-lb. bags) "Net Weight Mitchell's Special Restaurant Coffee."

RESULTS OF INVESTIGATION: The article contained in the bags described above had been repacked from the above-mentioned shipment of bulk coffee and was labeled by the consignee.

Examination showed that the article contained added cereal and chicory and that the article in the 1-lb. bags was short weight.

LIBELED: 3–3–58, E. Dist. N.Y.

CHARGE: 402(b)(2)—cereal and chicory had been substituted in part for coffee while held for sale; 402(b)(4)—cereal and chicory had been added to the article and mixed and packed with it so as to reduce its quality and strength; 403(a)—the label statement "Coffee" was false and misleading; and 403(e)(2)—the label of the article failed to bear an accurate statement of the quantity of contents since the 3-oz. size bags failed to bear any statement of the quantity of contents and since the statement "1 Lb. Net Weight" on the label of the 1-lb. bags was not accurate.

DISPOSITION: 3–26–58. Consent—claimed by Mitchell Coffee Co. and repacked and relabeled.

24854. Green coffee. (F.D.C. No. 41585. S. No. 18–926 P.)

QUANTITY: 64 130-lb. bags at Denver, Colo., in possession of Spray Coffee & Spice Co.

SHIPPED: 7–5–57, from New Orleans, La.

LIBELED: 2–18–58, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4–1–58. Consent—claimed by Spray Coffee & Spice Co. Segregated; 70 lbs. destroyed.

24855. Coffee. (F.D.C. No. 41665. S. Nos. 21–279/80 P.)

QUANTITY: 23 cases, 24 cans each, of regular coffee, and 38 cases, 24 cans each, of drip coffee, at St. Joseph, Mo.

SHIPPED: 2–7–58, from Kansas City, Kans., by E. C. Conroy Coffee Co.