

**LIBELED:** 7-8-57, E. Dist. Mo.

**CHARGE:** 402(a)(4)—held under insanitary conditions due to having been submerged in flood waters; 403(e)(1) and (2)—some bottles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; and 403(i)(1)—some labels failed to bear the common or usual name of the food.

**DISPOSITION:** 7-15-58. Default—destruction.

**25002. Coffee.** (F.D.C. No. 41757. S. Nos. 29-904/5 P.)

**INFORMATION FILED:** 8-1-58, E. Dist. N.Y., against Mitchell Coffee Co., a partnership, Brooklyn, N.Y., and David B. Mitchell and Jesse I. Mitchell, partners.

**ALLEGED VIOLATION:** On 2-4-58, while a quantity of green coffee was being held for sale after shipment in interstate commerce, the defendants caused the article to be admixed with cereal and chicory, roasted and ground, and packed into retail bags labeled, in part, "Mitchell's Special Restaurant Coffee." These acts resulted in the product in the retail bags becoming adulterated.

**CHARGE:** 402(b)(2)—cereal and chicory had been substituted in part for coffee while held for sale.

**PLEA:** Guilty.

**DISPOSITION:** 10-9-58. Partnership—\$10 fine; individuals—\$500 fine each.

**25003. Coffee beans.** (F.D.C. No. 41548. S. No. 29-914 P.)

**QUANTITY:** 12 120-lb. bags at New York, N.Y.

**SHIPPED:** 4-16-58, from outside the United States.

**LIBELED:** 5-20-58, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained moldy coffee beans while held for sale.

**DISPOSITION:** 9-9-58. Consent—claimed by Polbro Coffee Co., New York, N.Y. Segregated; 1,291 lbs. destroyed.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**25004. Bread.** (F.D.C. No. 41760. S. No. 72-513 M.)

**INFORMATION FILED:** 7-17-58, E. Dist. Wis., against Curdolac Food Co., a corporation, Waukesha, Wis.

**SHIPPED:** 8-20-57, from Wisconsin to Illinois.

**LABEL IN PART:** (Loaf) "Curdolac Protein Wheat Bread Net Weight 1 lb.-8 oz. Ingredients: This Bread Formula also Contains by Weight Protein 19.6%."

**RESULTS OF INVESTIGATION:** Analysis disclosed that the article contained approximately 55 percent of the declared amount of protein. The average protein content was 10 percent.

**CHARGE:** 402(b)(1)—a valuable constituent, protein, had been in part omitted when shipped; and 403(a)—the label statement "This Bread Formula also Contains by Weight Protein 19.6%" was false and misleading.