

LABEL IN PART: (Can) "Sifers Chocolate Flo'z * * * Made with Real Chocolate Sifers Chocolate Syrup Co., Inc., Iola, Kansas."

LIBELED: On or about 12-1-58, W. Dist. Wash.

CHARGE: 402(b) (1)—when shipped, the valuable constituent, namely, chocolate, had been in part omitted or abstracted from the article; 402(b) (2)—a sirup consisting of cocoa, sugar, and water had been substituted in whole or in part for chocolate sirup; and 403(a)—the name of the article "Chocolate Flo'z" and the label statement "Made with Real Chocolate" were false and misleading.

DISPOSITION: 5-18-59. Default—destruction.

25584. Cocoa beans. (F.D.C. No. 42926. S. No. 57-573 P.)

QUANTITY: 22 bags, 100 to 105 lbs. each, at Brooklyn, N.Y.

SHIPPED: On an unknown date, from outside the United States.

LIBELED: 4-9-59, E. Dist. N.Y.

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

DISPOSITION: 5-7-59. Default—destruction.

CONFECTIONERY

25585. Candy. (F.D.C. No. 41726. S. Nos. 6-382 P, 6-620 P.)

INFORMATION FILED: 12-16-58, Dist. Mass., against New England Confectionery Co., a corporation, Cambridge, Mass.

SHIPPED: Between 12-10-57 and 1-16-58, from Massachusetts to Maine and New Hampshire.

LABEL IN PART: (Pkg.) "Necco SKY BAR Necco 4 in 1 SKY BAR Net Weight 1 Ounce Manufactured by Necco - Cambridge, Mass."

CHARGE: 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents (the packages of the article contained less than 1 ounce).

PLEA: Guilty.

DISPOSITION: 2-16-59. \$500 fine.

25586. Candy. (F.D.C. No. 42880. S. No. 57-716 P.)

QUANTITY: 31 ctns., 48 boxes each, at Newark, N. J.

SHIPPED: 1-22-59 and 1-30-59, from Philadelphia, Pa., by Louis Segal Candy Co.

LABEL IN PART: (Box) "#103 Fruit & Nut Egg ½ lb. Distributed by Valerie Sweets, Newark, N.J."

LIBELED: 3-11-59, Dist. N.J.

CHARGE: 402(a) (3)—contained insect fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-13-59. Default—destruction.

SUGAR AND SIRUP

25587. Sorghum molasses. (F.D.C. No. 42153. S. No. 28-069 P.)

INFORMATION FILED: 9-11-58, E. Dist. Tex., against C. B. Daniels, Sulphur Springs, Tex.

LABEL IN PART: (Can) "SORGHUM MOLASSES Net Contents 4½ lbs. Sold and Guaranteed By C. B. DANIELS."

ALLEGED VIOLATION: On 1-25-58, while a number of unlabeled cans of molasses were being held for sale after shipment in interstate commerce, the defendant caused the above labels to be affixed to the cans, which act resulted in the molasses becoming adulterated and misbranded.

CHARGE: 402(b)(2)—a mixture of sorghum and partially inverted sugar syrup had been substituted for sorghum, which the article was represented to be while held for sale; 403(a)—the label statement "Sorghum Molasses" was false and misleading; 403(b)—the article was offered for sale under the name of another food, namely, sorghum; and 403(i)(2)—the label failed to bear the common or usual name of each ingredient.

PLEA: Guilty.

DISPOSITION: 9-15-58. Fine of \$200.

25588. Sorghum sirup. (F.D.C. No. 42168. S. Nos. 36-472 P, 36-686 P.)

INFORMATION FILED: 12-15-58, E. Dist. Ill., against Jack Anderson, Olmsted, Ill.

SHIPPED: 3-4-58 and 4-14-58, from Illinois to Missouri.

LABEL IN PART: (Can) "Good Old Country SORGHUM Made From Pure Cane Juice - 100 Per Cent PURE Made For And Sold By JACK ANDERSON Olmstead, Illinois Net Weight 4½ lbs."

CHARGE: 402(b)(2)—a substance consisting of a mixture of sorghum and inverted sugar had been substituted for sorghum; 403(a)—the label statement "SORGHUM Made From Pure Cane Juice - 100 Per Cent PURE" was false and misleading; 403(b)—the article was offered for sale under the name of another food, namely, sorghum; and 403(i)(2)—the article failed to bear a label containing the common or usual name of each ingredient.

PLEA: Guilty.

DISPOSITION: 12-16-58. \$100 fine, plus costs.

25589. Sugar and black raspberry puree. (F.D.C. No. 42018. S. Nos. 64-354 M, 84-959 M, 85-221 M.)

INDICTMENT RETURNED: 10-27-58, W. Dist. Pa., against Sunshine Packing Corp. of Pennsylvania, North East, Pa., and Fred L. Rahal, president, and Arthur Kershaw, vice-president and plant manager.

ALLEGED VIOLATION: Between 5-21-56 and 11-22-57, the defendants caused quantities of sugar while held for sale after shipment in interstate commerce, to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which act resulted in the article being adulterated.

In addition, on 11-23-57, the defendants caused a number of cans of black raspberry puree, which was adulterated, to be shipped from Pennsylvania to Illinois.

CHARGE: 402(a)(3)—the sugar contained rodent excreta, rodent hairs, and rodent urine, and the black raspberry puree contained shrew hairs; and 402(a)(4)—the sugar was held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-25-59. Corporation—\$1,000 fine and costs; Rahal—\$600 fine; Kershaw—\$400 fine.