

4040. Adulteration of candy (marshmallow eggs). U. S. v. O. T. Stacy Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 2893. I. S. No. 11763-c.)

On January 27, 1912, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against O. T. Stacy Co., a corporation, Rochester, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 28, 1911, from the State of New York into the State of Massachusetts, of a quantity of candy (marshmallow eggs) which was adulterated. The product was labeled: "72—Marshmallow Eggs Guaranteed by O. T. Stacy Co. Serial No. 3996. Guaranteed under Food and Drugs Act, June 30, 1906. Star Brand."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ash in insoluble residue obtained by superficially washing candy (per cent).....	50.35
Ash insoluble in HCl (per cent).....	43.12
Silica (per cent).....	13.75
Alumina: None.	
Magnesia (per cent).....	10.30
Talc: Present.	

The percentages of silica and magnesia reported above were calculated to the insoluble residue obtained by superficially washing the candy. The silica was purified by hydrofluoric acid.

Adulteration of the article was alleged in the information for the reason that said candy and marshmallow eggs contained and were coated with talc.

On July 13, 1915, the defendant company withdrew its plea of not guilty theretofore entered and entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 5, 1915.*