

29988. Adulteration and misbranding of candy. U. S. v. 24 Boxes and 24 Boxes of Candy (and 2 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43159, 43443, 43779. Sample Nos. 13629-D, 23699-D, 26330-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested. One lot consisted of chocolate-coated marshmallow bars covered with peanuts, which the labeling represented to be almonds.

On August 1, August 22, and September 9, 1938, the United States attorneys for the District of Connecticut, Southern District of Alabama, and the Middle District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 48 boxes of candy at New Haven, Conn., 15 cartons at Mobile, Ala., and 18 boxes of candy at Tifton, Ga.; alleging that the article had been shipped within the period from March 22, 1938, to May 20, 1938, by the Paul F. Beich Co., in part from Chicago, and in part from Bloomington, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance. One lot was alleged to be adulterated further in that a substance which contained peanuts had been substituted wholly or in part for an article which purported to contain almonds.

The said lot was alleged to be misbranded in that the statement "Almond" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained peanuts.

On September 30, October 27, and November 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29989. Adulteration of candy. U. S. v. 34½ Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43648 to 43651, inclusive. Sample Nos. 38231-D to 38234-D, inclusive.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 9, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34½ cartons of candy at Lockport, La.; alleging that the article had been shipped on or about June 3, 1938, by National Candy Co., Inc., from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29990. Adulteration of candy. U. S. v. 12 Cartons of Candy (and 3 other seizures of the same product). Default decree of condemnation and destruction. (F. & D. Nos. 43552, 43596, 43747, 44039. Sample Nos. 13625-D, 23959-D, 35491-D, 38209-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

Between the dates of September 1 and October 3, 1938, the United States attorneys for the Eastern District of Louisiana, the Southern District of Texas, Middle District of Georgia, and the District of Maine, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 12 cartons of candy at Baton Rouge, La., 23 cartons at Houston, Tex., 23 boxes at Valdosta, Ga., and 23 boxes of candy at Portland, Maine; alleging that the article had been shipped within the period from September 14, 1937, to January 20, 1938, by Bunte Bros. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 17 and November 8, 28, and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*