

318. Adulteration of candy. U. S. v. 25 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 480. Sample No. 66323-D.)

Samples of this candy were found to contain rodent hairs and nondescript dirt. Each piece had a metal ring partially imbedded in the top which was protected from the candy by a cellophane shield.

On August 23, 1939, the United States attorney for the Western District of South Carolina filed a libel against 25 boxes of candy at Union, S. C., alleging that the article had been shipped in interstate commerce on or about August 3, 1939, by John H. Dockman & Son, Inc., from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and also that it was confectionery and bore or contained a nonnutritive article or substance. It was labeled in part "72 Stars."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

319. Misbranding of candy. U. S. v. 114 Cartons of Candy. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 903. Sample No. 46610-D.)

This product was put up in packages containing 16 candy drops which occupied about two-thirds of the volume of the package.

On November 8, 1939, the United States attorney for the Eastern District of Michigan filed a libel against 114 cartons of candy at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 7, 1939, by Metro Chocolate Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Metro Assorted Candy Drops [or "Imitation Wild Cherry Drops" or "Root Beer Drops"]1."

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

320. Misbranding of candy. U. S. v. 209 Boxes of Candy. Default decree entered. Product ordered delivered to charitable institutions. (F. D. C. No. 516. Sample No. 67825-D.)

This product was short of the declared weight. The wrapped candy occupied less than two-thirds of the volume of the containers.

On or about August 29, 1939, the United States attorney for the District of Connecticut filed a libel against 209 boxes of candy at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about July 25, 1939, by Phoenix Candy Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Phoenix Salt Water Taffy."

It was alleged to be misbranded in that the statement on the label, "Net Weight ½ Pound," was false and misleading since it was not correct; in that its container was so filled as to be misleading; and in that it was in package form and its label did not bear an accurate statement of the quantity of contents.

On November 17, 1939, no claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions, and that the containers be destroyed.

321. Misbranding of candied fruit. U. S. v. 149 Dozen Packages of Mixed Fruit. Default decree of condemnation and destruction. (F. D. C. No. 692. Sample No. 9831-D.)

This product was put up in baskets containing two layers. The top layer was well-filled and contained approximately three-fourths of the total weight of the contents, the lower layer was about one-third filled.

On October 6, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 149 dozen packages of mixed fruit at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 18, 1939, by Fialla & Eppler, Inc., from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Ephany Mixed Fruit * * * Net Wt. 8 Oz. * * * Two Layers."

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.