

the word "imitation" and, immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On February 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1668. Misbranding of olive oil. U. S. v. 3, 5, and 12 Cases of Oil. Default decree of condemnation and order that samples be delivered to Government and remainder distributed to charitable institutions.** (F. D. C. No. 2649. Sample Nos. 33369-E, 33370-E, 33371-E.)

This product was a mixture consisting essentially of cottonseed oil and an oil other than olive oil, and containing little or no olive oil. All lots contained artificial flavor, and one lot also contained artificial color. All lots were short of the declared volume, and were misbranded further as indicated below.

On or about August 23, 1940, the United States attorney for the District of Connecticut filed a libel against 20 cases of olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about August 6, 1940, by the Jersey Olive Oil Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Sublime Product Pure Olive Oil Gioiosa Brand"; "Roberta Brand Pure Olive Oil"; and "Pulcella Brand Guaranteed Pure Olive Oil."

The article was alleged to be adulterated in that artificially flavored, or artificially flavored and colored mixtures of cottonseed oil, and an oil other than olive oil had been substituted wholly or in part for olive oil; in that inferiority had been concealed by the addition of artificial flavor or artificial flavor and color; and in that artificial flavor or artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statements "One Gallon Net," "Net Contents One Gallon," and "Contents 1 Gallon" on the labels of the various lots, were false and misleading since they were incorrect.

All lots were alleged to be misbranded further in that the wording and design of the labels was false and misleading, since they implied that the article was olive oil of foreign origin. All lots were alleged to be misbranded further in that the article was an imitation of another food and was not labeled as such; in that it was in package form and the labels did not bear an accurate statement of the quantity of contents; in that it was fabricated from two or more ingredients and the labels did not bear the common or usual name of each ingredient; and in that it contained artificial flavoring or artificial flavoring and coloring and did not bear labeling stating that fact.

It was alleged to be misbranded further in that it was in package form and the labels of a portion did not bear the name and place of business of the manufacturer, packer, or distributor; and the labels of the remainder did not bear the place of business of the distributor.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the marshal deliver one can of the oil to this Agency for use as a sample and distribute the remainder to charitable institutions. On March 14, 1941, the decree was amended to provide for delivery of a sample from each brand to this Agency.

## SACCHARINE PRODUCTS

### CANDY

**1669. Adulteration of candy. U. S. v. Walter T. Hall (Walter T. Hall & Co.) and Eugene Wulfekuhler. Pleas of guilty. Fine of \$350 against each defendant and costs.** (F. D. C. No. 2075. Sample Nos. 63832-D, 63833-D, 66982-D to 66986-D, incl., 84300-D, 85007-D, 85008-D, 85013-D.)

Samples of this product were found to contain rodent hairs, rodent excreta, human hairs, burlap fibers, and nondescript dirt.

On February 14, 1941, the United States attorney for the Southern District of Iowa filed an information against Walter T. Hall trading as Walter T. Hall & Co., Ottumwa, Iowa, and Eugene Wulfekuhler, alleging shipment within the period from on or about November 20, 1939, to on or about February 13, 1940, from the State of Iowa into the States of Illinois, Nebraska, and Missouri of quantities of candy that was adulterated. The article was variously labeled in part: "Hall's Chocolates Tease the Taste"; "Royal Crispies"; "Assorted Halo Jellies";

"Midget Caramels"; "Assorted Banner Choc."; "Handy Case Assortment"; "Crown Clusters"; "Handy Pack Asst."; "Van Pyramids."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 21, 1941, the defendants having entered pleas of guilty, the court imposed a fine of \$350 against each. Costs also were imposed.

**1670. Adulteration of candy. U. S. v. Schuler Chocolates, Inc., and Charles C. Schuler. Pleas of guilty. Fine of \$50 against the corporation and \$50 against Charles C. Schuler. (F. D. C. No. 2979. Sample Nos. 38426-E, 38427-E, 38428-E, 39584-E.)**

Samples of this product were found to contain filth in the form of rodent excreta, rodent hairs, insect fragments, and larvae.

On May 31, 1941, the United States attorney for the District of Minnesota filed an information against Schuler Chocolates, Inc., Winona, Minn., and Charles C. Schuler, alleging shipment within the period from on or about May 13 to on or about October 11, 1940, from the State of Minnesota into the State of Iowa of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance. Portions of the article were labeled in part: "The Fowler Co., Waterloo, Ia. Sugar Loaf Carmel Cream [or "Iced Carmel Cream"]."

On May 31, 1941, a plea of guilty having been entered on behalf of the corporation to counts 1 and 2 and a plea of guilty having been entered by Charles C. Schuler to count 3, the court imposed a fine of \$50 against each defendant. Count 3 was dismissed as to the corporation and counts 1 and 2 were dismissed as to the individual defendant.

**1671. Adulteration of candy. U. S. v. Bernard A. Sennett, Sr. (Sennett Candy Co.). Plea of guilty. Fine, \$450. (F. D. C. No. 2933. Sample Nos. 39297-E to 39300-E, incl., 39421-E to 39431-E, incl.)**

Samples of this product were found to contain various types of filth such as rodent hairs, insect fragments, and whole beetles.

On February 25, 1941, the United States attorney for the Western District of Tennessee filed an information against Bernard A. Sennett, Sr., trading as the Sennett Candy Co., Memphis, Tenn., alleging shipment on or about September 23 and 26, 1940, from the State of Tennessee into the States of Kentucky and Missouri of quantities of candy that was adulterated. The article was labeled variously in part: "Sennett Quality Candies," "Big Boy Sticks," "Mint P-Nut Assorted," "Nifty," "Easy Eater Peanut Bar," "Dizzy Dozen Stick Candy," "Big Bud Sticks," "Special Twist Sticks," "Chow Bar," "Banner Bars," and "Assorted Mint."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 28, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$450.

**1672. Adulteration of candy. U. S. v. Ucanco Candy Co., Inc. Plea of guilty. Fine, \$180 and costs. (F. D. C. No. 2921. Sample Nos. 333-E, 4501-E, 4502-E, 4503-E, 6415-E, 6416-E, 8190-E, 8191-E, 9265-E, 15009-E, 15655-E, 15700-E, 15706-E, 15709-E, 15711-E, 15718-E, 16449-E, 20216-E.)**

This product was contaminated with rodent hairs and excreta, insect fragments, and other foreign material.

On March 28, 1941, the United States attorney for the Southern District of Iowa filed an information against the Ucanco Candy Co., Inc., Davenport, Iowa, alleging shipment by said defendant within the period from on or about March 30 to May 17, 1940, from the State of Iowa into the States of Arkansas, Colorado, Illinois, Minnesota, Missouri, Nebraska, and North Carolina, of candies that were adulterated. They were labeled in part, variously: "Ol' Timer Milk Nut Bar [or "Roll"] 5¢"; "Blu Boy \* \* \* 5¢"; "Nut Balls"; "Clusters"; "Cannon Ball 5¢"; "Ucanco's Nut Balls"; "Extra Special 5¢ \* \* \* Ol' Timer Loaf"; "It's A Darb"; "150 Assorted Caramels."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On March 31, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 on each count, totaling \$180, together with costs.