

misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On November 23 and 28, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1689. Adulteration of candy. U. S. v. 15 and 5 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3183. Sample Nos. 39283-E, 39284-E.)

A portion of this article contained rodent and cat hairs, and the remainder contained cat hairs, insect fragments, and live insects.

On October 11, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 20 boxes of candy at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about July 22 and August 29, 1940, by the Velma Lee Candy Co. from Shreveport, La.; and charging that it was adulterated. The article was labeled in part: "100 Jumbo Mint" or "100 Jumbo Peanut Butter."

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 January 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1690. Adulteration and misbranding of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2717. Sample Nos. 33530-E, 33531-E, 33862-E.)

One lot of this product was artificially flavored and colored, one lot was artificially flavored, and one lot was flavored with essential oil. Furthermore, the candy occupied only about 75 percent of the volume of the packages.

On September 3, 1940, the United States attorney for the District of New Jersey filed a libel against 46 boxes of candy at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 8, 1940, by Cocilana, Inc., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "[Design of fruits] Pineapple [or "Raspberry" or "Peppermint"] Fruit Nips."

It was alleged to be adulterated in that substances, namely, artificially flavored and colored candy in the case of the "Raspberry," artificially flavored candy in the case of the "Pineapple," and candy flavored with essential oil in the case of the "Peppermint" had been substituted for candies containing substantial proportions of fruit as the name "Fruit Nips" implied. The Raspberry Fruit Nips were alleged to be adulterated further in that inferiority had been concealed by the addition of artificial color.

Misbranding was alleged in that the names "Raspberry [or "Pineapple" or "Peppermint"] * * * Fruit Nips" and the designs of fruits appearing prominently on the display carton and label of the retail packages, were false and misleading as applied to candies which were artificially flavored or flavored with essential oil and which did not contain a substantial amount of fruit. Misbranding was alleged for the further reason that the article was offered for sale under the name of another food, namely, Raspberry (or Pineapple or Peppermint) Fruit Nips; and in that its containers were so made, formed, or filled as to be misleading.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1691. Misbranding of candy. U. S. v. 213 and 32 Packages of Candy. Default decree of condemnation and sale. (F. D. C. Nos. 3189, 3190. Sample No. 20959-E.)

This product was short of the declared weight, and the label failed to bear the common or usual name of each ingredient.

On October 15, 1940, the United States attorney for the Northern District of Georgia filed libels against 245 packages of candy at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by Russell McPhail from Jacksonville, Fla.; and charging that it was misbranded. It was labeled in part: (Boxes) "Russell McPhail Home Made Candies."

It was alleged to be misbranded (1) in that the statement "One Pound Net" was false and misleading since it was incorrect; (2) in that it was in