

1859. Adulteration and misbranding of candy. U. S. v. 33 Cases of Candy (and 2 other seizure actions against candy). Default decrees of condemnation and destruction or sale. (F. D. C. Nos. 3716, 3743, 3744. Sample Nos. 37139-E, 44598-E, 55740-E.)

Two lots of this product were contaminated with rodent hairs and insect fragments. The third lot was deceptively packaged in boxes in which the top layer contained an average of 20 pieces of candy while the bottom layer contained only 14 similar pieces of candy.

Between January 27 and February 3, 1941, the United States attorneys for the District of Oregon, Southern District of Georgia, and Western District of Texas filed libels against 33 cases of candy at Portland, Oreg., 36 boxes of candy at Savannah, Ga., and 84 boxes of the product at El Paso, Tex., alleging that the article had been shipped in interstate commerce, on or about December 16, 17, and 28, 1940, by the Elmer Candy Co. from New Orleans, La.; and charging that portions were adulterated and that the remainder was misbranded. The article was labeled in part, variously: "Elmers New Orleans Mint Bubles," "Elmer's Quality Package Fruit & Nuts and Special Centers," or "Elmer's Cottage Sweets * * * Hand Rolled Creams and Selected Centers."

The "Mint Bubles" and the "Fruit & Nuts and Special Centers," were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The latter was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The product labeled "Cottage Sweets" was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading.

On March 3, 10, and 28, 1941, no claimant having appeared, judgments of condemnation were entered and it was ordered that the adulterated lots be destroyed and that the misbranded lot be sold.

1860. Adulteration of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3085. Sample No. 39289-E.)

This product contained rodent hairs and other unidentified hairs.

On September 26, 1940, the United States attorney for the Western District of Missouri filed a libel against 46 boxes of candy at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about August 22, 1940, by the Gilliam Candy Co. from Paducah, Ky.; and charging that it was adulterated. The article was labeled in part: "24 5¢ Pkg. Delicious Stick."

The article was alleged to be adulterated in that it consisted wholly 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 October 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1861. Adulteration and misbranding of candy. U. S. v. 46 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3675. Sample Nos. 36950-E to 36953-E, incl.)

This product, with the exception of one lot, was adulterated because of the presence of rodent hairs and in some instances, insect fragments. All lots were misbranded in one or more of the following respects: Shortage from the declared weight, containers that were not filled to their capacity, or failure to comply with certain labeling requirements of the law.

On January 16, 1941, the United States attorney for the District of Maine filed a libel against 46 cartons of candy at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about December 9, 1940, by Louis Glickstern from Boston, Mass.; and charging that it was misbranded and that all lots with one exception were also adulterated. The article was variously labeled as hereinafter indicated.

The product, with the exception of one lot labeled "Evangeline Chocolate Cordial Cherries," was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

One lot labeled "Ye Olde Toll House" was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

One lot labeled "1 Lb. Cherry Basket" was alleged to be misbranded in that the statement "1 Lb." was false and misleading since it was incorrect; in that its container was so made, formed, or filled as to be misleading; in that it was

in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and did not bear a label containing an accurate statement of the quantity of the contents; in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

One lot labeled "Chocolate Malted Balls" was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor and did not bear an accurate statement of the quantity of the contents.

One lot labeled in part "Evangeline Chocolate Cordial Cherries" was alleged to be misbranded in that the statement "1 Pound Net" was false and misleading since it was incorrect; in that it was in package form and failed to bear an accurate statement of the quantity of the contents; in that its container was so made, formed, or filled as to be misleading; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

One lot labeled "Mayflower Chocolate Covered Cherries" was alleged to be misbranded in that the statement "Net Weight One Pound" was false and misleading since it was incorrect; in that it was in package form and failed to bear an accurate statement of the quantity of the contents; and in that its container was so made, formed, or filled as to be misleading.

One lot labeled "Kenwyn Chocolate Coated Cherries" was alleged to be misbranded in that it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each ingredient.

One lot labeled in part "Priscilla Chocolate Cordial Cherries" was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

Portions of the product were alleged to be misbranded further for the following reasons: (Evangeline, Kenwyn, and Mayflower brands) The name and place of business of the manufacturer, packer, or distributor; (Evangeline and Kenwyn brands) the declaration of artificial flavoring and coloring and chemical preservative; and (Mayflower brand) the statement of the quantity of contents, all of which statements are required by the act to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On February 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1862. Adulteration of candy. U. S. v. 19, 46, 8, and 13 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3521. Sample Nos. 40086-E, 40087-E, 40089-E, 40091-E.)

This product contained rodent hairs and a portion also contained insect fragments.

On December 14, 1940, the United States attorney for the District of New Jersey filed a libel against 86 boxes of candy at Trenton, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about September 9 to on or about October 9, 1940, by the Heidelberger Confectionery Co., Inc., from Philadelphia, Pa.; and charging that it was adulterated. The article was labeled variously: "Big Six Chocolate Assortment," "Chocolate Peppermints," "Chocolate Bermudas," or "Sunnies."

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 under insanitary conditions whereby it might have become contaminated with filth.

On February 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1863. Adulteration of candy. U. S. v. 316 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3442. Sample No. 20980-E.)

This product contained insect fragments and rodent hairs.

On November 29, 1940, the United States attorney for the Western District of Virginia filed a libel against 316 boxes of candy at South Boston, Va., alleging that the article had been shipped in interstate commerce on or about November 11, 1940, by the Hodges Candy Co. from Milledgeville, Ga.; and charging that it was