

3635. Adulteration of candy. U. S. v. 16 Boxes, 24 Boxes, and 10 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 6931. Sample Nos. 71479-E to 71481-E, incl.)

All lots of this product contained rodent hairs and a portion also contained insect fragments and larvae.

On February 25, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 50 boxes of candy at Scott Field, Ill., alleging that the article had been shipped in interstate commerce on or about January 21, 1942, by the Jack Rabbit Candy Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "24 Pcs. 5c Peanut [or "Ko-Pe" or "Horehound"] Bars."

On May 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3636. Adulteration of candy. U. S. v. 5½ Cases, 3 Boxes, 4 Boxes, and 55 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 7481, 7526, 7532. Sample Nos. 1153-E, 59891-E, 87798-E.)

Examination showed that this product was contaminated with filth, such as rodent hairs, insects, insect fragments, and larvae.

On May 8, 18, and 19, 1942, the United States attorneys for the District of Maryland and the District of Columbia filed libels against 55 1-pound boxes and 5½ cases, each full case containing 24 1-pound boxes, of candy at Baltimore, Md., and 7 5-pound boxes of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 7 and April 27, 1942, by Jane Louise Candies, Inc., from Lancaster, Pa.; and charging that it was 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. The article was labeled in part: (Boxes) "Ye Olde Colonial Assorted Chocolates," "Peanuts," "Molasses Chips," or "Lady Jane Chocolates."

On June 10, 16, and 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3637. Adulteration of candy. U. S. v. 19 Boxes and 9 Boxes of Candy (and 2 other seizure actions against candy). Decrees of condemnation and destruction. (F. D. C. Nos. 7533, 7534, 7550. Sample Nos. 89543-E, 98121-E to 98124-E, incl.)

Examination showed that this product contained insect fragments and hair fragments resembling those of rodents.

On May 22 and 25, 1942, the United States attorney for the District of Maine and the Eastern District of New York filed libels against 28 boxes of candy at Bangor and 38 boxes of candy at Lewiston, Maine, and 654 boxes of candy at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 29 and May 1 and 2, 1942, by Shaghalian's, Inc., from Boston, Mass.; and charging that it was 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. The article was labeled in part: "Chocolate Peanut Cluster"; "Chocolate Shots Peppermint"; "Chocolate Coconut Croquettes"; "Chocolate Covered Peanuts"; "Lady Anne Assorted Milk Chocolates"; or "Miniaturette Petit Chocolates."

In June, 1942, Shaghalian's, Inc., claimant for the candy seized at Bangor and Lewiston, Maine, having consented to the entry of decrees, and on June 26, 1942, no claimant having appeared for the remainder of the candy, judgments of condemnation were entered and the product was ordered destroyed.

3638. Adulteration of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 7463. Sample No. 70363-E.)

This product contained hairs resembling those of rodents.

On May 6, 1942, the United States attorney for the Northern District of Georgia filed a libel against 46 boxes of candy at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 14, 1942, by York Cone Co. from York, Pa.; and charging that it was 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. The article was labeled in part: (Boxes) "80 Count York Malted Milk Flavored Wafers Munchies."

On June 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently the product was delivered to a Federal institution to be used as hog feed.

3639. Misbranding of rock candy crystals. U. S. v. 54 Boxes of Rock Candy Crystals. Default decree of condemnation. Product distributed to charitable institutions. (F. D. C. No. 6323. Sample No. 49823-E.)

Examination showed that this product consisted of coarse sucrose crystals, which occupied on an average about 62 percent of the capacity of the container.

On December 2, 1941, the United States attorney for the Western District of Louisiana filed a libel against 54 boxes, each containing 24 packages, of rock candy crystals at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about October 30 and November 3, 1941, by Martin Candy Co. from Dallas, Tex.; and charging that it was misbranded.

The article was alleged to be misbranded in that its container was so made and filled as to be misleading, since the packages were too large for the amount of crystals they contained and the crystals did not occupy a reasonable amount of the available space.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 638.

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as provided by law. It was distributed to charitable institutions.

MISCELLANEOUS

3640. Adulteration of sugar. U. S. v. 250 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6817. Sample 79170-E.)

This product had been stored under insanitary conditions after shipment and when examined was found to be contaminated with rodent excreta and urine resulting from such storage conditions.

On March 7, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 250 100-pound bags of sugar at Martel, Tenn., alleging that the article had been shipped in interstate commerce on or about May 11, 1941, from New Orleans, La.; that it was in possession of the Armstrong Candy Manufacturing Co., Martel, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Godchaux's Pure Can Sugar."

On April 8, 1942, the Armstrong Candy Manufacturing Co., Martel, Tenn., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was returned to the refinery for re-refining.

3641. Adulteration and misbranding of sirup. U. S. v. 49½ Dozen Jars of Sirup. Default decree of condemnation and destruction. (F. D. C. No. 6698. Sample No. 30488-E.)

This product was labeled to indicate that it consisted of cane and maple sirups, whereas it contained a large proportion of glucose and was artificially flavored and artificially colored. It was also short of the declared volume.

On January 12, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 49½ dozen jars of sirup at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 13, 1941, by the Turlaine Food Products, Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Click Waffle & Pancake Syrup Contents 11 Fl. Oz. Contains Cane and Maple Syrups."

The article was alleged to be adulterated in that an artificially flavored and artificially colored substance containing a material proportion of glucose had been substituted for cane and maple sirups, which it purported to be.

It was alleged to be misbranded (1) in that the statements on the label, "Contains Cane and Maple Syrups" and "Contents 11 Fl. Oz.," were false and misleading when applied to an artificially flavored and artificially colored substance containing a material proportion of glucose and which was short volume; (2) in that it was an imitation of another food; (3) in that it was in package form and its label did not bear an accurate statement of the quantity of the contents; and (4) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient.