

"Finest Durum Flour and Eggs" was misleading as applied to an article containing less than 1 percent of eggs, since it failed to reveal the material fact that such percentage of eggs was inconsequential and did not impart the food value characteristic of an alimentary paste which purports to be an egg alimentary paste.

On February 26, 1943, no claimant having appeared, judgment of condemnation was entered and the marshal was ordered to sell the product after taking adequate precaution to prevent its being used in violation of the law.

4544. Adulteration of popcorn. U. S. v. 41 Bags of Popcorn. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 8993. Sample No. 12443-F.)

This product contained beetles, worms, insect fragments, insect excreta, and insect-cut corn.

On or about December 9, 1942, the United States attorney for the Western District of Washington filed a libel against 41 bags of popcorn at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about December 1, 1941, by the Albert Dickinson Co. from Nampa, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dickinson's Little Buster Pops Anywhere."

On January 14, 1943, the Tacoma Grocery Co., a corporation of Tacoma, Wash., claimant, having admitted the allegations of the libel, 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.

4545. Adulteration of Matzos, Matzos meal, and cracker meal. U. S. v. 24 Cases of Matzos (and 3 other seizures of similar products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9803, 9804, 9844, 9876. Sample Nos. 23269-F to 23271-F, incl., 24800-F, 28947-F, 32507-F to 32509-F, incl.)

These products contained insect fragments, rodent hair fragments, larvae, hair fragments resembling rodent hairs, and rodent excreta.

On or about April 17, 19, 27, and May 1, 1943, the United States attorneys for the Northern District of Georgia, the District of New Jersey, the Eastern District of Virginia, and the Northern District of Ohio, filed libels against 24 cases, each containing 36 packages, and 174 separate packages of Matzos, 9 cases, each containing 24 packages, and 140 separate packages of Matzo meal, and 60 cases, each containing 24 packages, of cracker meal in various lots at Atlanta, Ga., Norma, N. J., Camp Pendleton, Va., and Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about March 18 to April 6, 1943, by B. C. Friedman & Co., from Philadelphia, Pa.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Matzos," "Matzo Meal," or "Philadelphia Cracker Meal * * * Philadelphia Cracker Meal Company, Philadelphia, Pa."

On May 11 and 29, and June 18 and 23, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4546. Adulteration and misbranding of cheese sandwiches. U. S. v. 36 Boxes of Cheese Sandwiches. Default decree of condemnation. Product destroyed. (F. D. C. No. 8360. Sample No. 22446-F.)

On September 16, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against 36 boxes, each containing 24 packages, of cheese sandwiches at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by King Kone Corporation from New York City, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Front of package) "Old London Cheese Sandwich."

The article was alleged to be adulterated (1) in that a valuable constituent, cheese, had been in whole or in part omitted; (2) in that a wafer sandwich containing a filling of cheese, cornstarch, edible oil other than butterfat, and artificial coloring, had been substituted wholly or in part for "Old London Cheese Sandwich"; (3) in that inferiority had been concealed by the addition of artificial coloring; and (4) in that edible oil other than butterfat, artificial coloring,

and cornstarch, had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the names (box) "Old London Cheese Sandwiches" and (package) "Old London Waffle Cheese Sandwich", were false and misleading, and (2) in that the statement of ingredients required by the act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the statement was printed on the bottom of the small packages and, as they were displayed, would have been invisible to the purchaser.

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution. Examination having showed that the product was unfit for human consumption it was destroyed by the marshal.

4547. Adulteration and misbranding of cocktail cigarettes and misbranding of cocktail snacks. U. S. v. 9 Dozen Boxes of "Devonsheer Cheddar Filled Cocktail Cigarettes," and 15 $\frac{1}{2}$ Dozen Boxes of "Devonsheer Miniature Snacks for Cocktails." Default decree of condemnation and destruction. (F. D. C. No. 9214. Sample Nos. 18757-F, 18758-F.)

The boxes containing the "Cigarettes" were so packed that the crackers occupied only 27.3 percent of the volume of the box. The filling in the crackers consisted of approximately 40 percent of cheese, 15 percent of a fat other than butterfat, and cornstarch, and was colored with a coal-tar color which gave it the appearance of containing more cheese than it did. The "Snacks" were contained in boxes which had wide folded sides and a $\frac{3}{4}$ -inch wide divider through the center, which reduced the capacity of the box by 36.4 percent. The ingredients were not correctly stated.

On January 21, 1942, the United States attorney for the Southern District of New York filed a libel against the above-named products at New York, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about December 22 to 31, 1942, by the Devonsheer Melba Corporation, from West New York, N. J.

The "Cigarettes" were alleged to be adulterated (1) in that a valuable constituent, cheese, had been in whole or in part omitted; (2) in that a cracker containing a filling of cheese, fat other than butterfat, cornstarch, and artificial coloring had been substituted wholly or in part for a cheese filled cracker; (3) in that inferiority had been concealed by the addition of artificial coloring; and (4) in that edible fat other than butterfat, cornstarch, and coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The "Cigarettes" were alleged to be misbranded (1) in that the statement "Cheddar Filled." "Dehydrated Aged Cheddar Cheese," "Dainty Cheese-Bits," and "They are filled with deliciously blended cheese," borne on the labels, were false and misleading when applied to an article filled with a mixture containing only 40 percent cheese; and (2) in that their containers were so made, formed, and filled as to be misleading.

The "Snacks" were alleged to be misbranded (1) in that the word "Peanuts" in the labeling was false and misleading since no peanuts were present in the article; (2) in that their containers were so made, formed and filled as to be misleading; and (3) in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of each such ingredient, since cheese crackers were present and cheese was not listed as an ingredient.

On February 9, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CANDY AND SUGAR

Nos. 4548 to 4556 report legal actions involving candy. Samples examined were found to contain one or more kinds of filth such as rodent excreta fragments, rodent hairs, insects or insect fragments, and other filth.

4548. Adulteration of candy. U. S. v. Ralph Viscione (Gloria Chocolate Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 7269. Sample Nos. 90437-E, 90439-E, 90668-E.)

On July 13, 1942, the United States attorney for the District of Massachusetts filed an information against Ralph Viscione, trading as Gloria Chocolate Co. at Boston, Mass., alleging shipment on or about January 29 and February 7,