

5133. Misbranding of candy. U. S. v. 141 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions.
(F. D. C. No. 9774. Sample No. 37146-F.)

This product was short-weight.

On April 8, 1943, the United States attorney for the District of Columbia filed a libel against 141 boxes of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 15, 1943, by the Shenandoah Valley Apple Candy Co. from Winchester, Va.; and charging that it was misbranded. The article was labeled in part: "Shenandoah-Valley Apple-Candy Made At The Ridgewood Orchards Winchester, Virginia * * * Contents One Pound Net."

The article was alleged to be misbranded in that the statement "Contents One Pound Net" was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

5134. Misbranding of candy. U. S. v. 23 Cartons of Candy (and 3 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9757, 10117, 10284, 10330. Sample Nos. 3343-F, 20647-F, 20648-F, 21877-F, 52862-F to 52864-F, incl.)

These packages contained a few pieces of candy and a toy. The candy and toy occupied, in some instances, as little as 10 percent of the capacity of the package and, in general, less than one-half the capacity. One lot was short of the declared weight.

From on or about April 20 to July 28, 1943, the United States attorneys for the District of Missouri, the Eastern District of Virginia, the Western District of Pennsylvania, and the District of Massachusetts filed libels against the following quantities of packages containing candy and toys: 23 cartons, each containing 100 packages, of candy at Kansas City, Mo., 203 cartons, each containing 80 packages, of candy at Norfolk, Va., 34 cartons, each containing 100 packages, of candy at McKeesport, Pa., and 165 cartons, each containing 80 packages, of candy at Springfield, Mass. It was alleged that the article had been shipped in interstate commerce within the period from on or about January 23 to June 18, 1943, by the Novel Package Corporation from Brooklyn, N. Y.; and charged that it was misbranded. The article was labeled in part: (Packages) "U. S. Navy Warships," "Remember Pearl Harbor * * * Packed and Distributed By Candyland Company Brooklyn, N. Y.," "Candy & Toy General Douglas MacArthur Packed For and Distributed By Pioneer Specialty Co. Brooklyn, N. Y.," or "U. S. War Planes * * * Keep 'em Flying."

The article was alleged to be misbranded in that the containers were so filled as to be misleading since the candy and toys occupied one-half or less of the volume of the package.

The lot located at Kansas City, Mo., was alleged to be misbranded further in that the statement on the package "Net Weight 1 Oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

Between May 17, 1943, and September 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5135. Misbranding of candy. U. S. v. 197 Packages of Candy. Default decree of condemnation. Product ordered delivered to welfare organizations.
(F. D. C. No. 9853. Sample Nos. 41645-F, 48061-F.)

This product was short of the declared weight and the packages contained excessive paper packing medium.

On April 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 197 packages of candy at Cincinnati, Ohio, which had been consigned on or about March 26, 1943, alleging that the article had been shipped in interstate commerce by Miss Morris Candies, Inc., from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: "Miss Morris Chocolates Easter Greetings Net Weight 1 Lb."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1 Lb." was false and misleading as applied to an article that was short-weight; (2) in that its container was so filled as to be misleading since the candy occupied

less than half the volume of the package; and (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various welfare organizations.

5136. Misbranding of candy. U. S. v. 266 Bags of Candy. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 10017. Sample No. 10368-F.)

This product was short weight.

On May 28, 1943, the United States attorney for the Northern District of Texas filed a libel against 266 bags of candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about April 22, 1943, by the National Candy Co. from St. Louis, Mo.; and charging that it was misbranded. The article was labeled in part: "Old New Orleans Style Coffee Toffee 8 Ozs. Net."

The article was alleged to be misbranded in that the statement "8 Ozs." was false and misleading since it was incorrect, and in that the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

CHOCOLATE PRODUCTS

5137. Adulteration of chocolate coating. U. S. v. 57 Bales of Chocolate Coating. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10010. Sample No. 45207-F.)

This product was infested with live insect larvae. The slabs were contaminated on the surface with insect excreta pellets, webbing, cocoons, larvae, and cast skins. Worm cuts filled with insect pellets and webbing were numerous.

On May 24, 1943, the United States attorney for the Eastern District of New York filed a libel against 57 bales, each containing 20 paper-wrapped slabs, of chocolate coating at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about September 14, 1942, to April 1, 1943, by the Hershey Chocolate Corporation from Hershey, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances.

On June 30, 1943, the Loose-Wiles Biscuit Co., Long Island City, N. Y., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be salvaged by separating the fit from the unfit portion, under the supervision of the Food and Drug Administration. On October 4, 1943, the decree was amended to permit the claimant to salvage the product by brushing, scraping, and/or culling off all portions of the cakes of chocolate showing insect infestation, so as to bring it into conformity with the act.

5138. Adulteration of chocolate coating. U. S. v. 9 Bags of Chocolate Coating. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9791. Sample Nos. 42117-F, 42118-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. When examined, the bags were torn and the remains of several rodent nests were found by the inspector. The chocolate showed evidence of having been gnawed by rodents.

On April 13, 1943, the United States attorney for the Southern District of Ohio filed a libel against 9 bags of chocolate coating at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about December 7, 1942, to March 10, 1943, from Hershey, Pa., and that it was in possession of the Kroger Grocery & Baking Co.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the fact that it had been gnawed by rodents, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Paper wrapper) "Hershey's Puritan Sweet * * * Chocolate Coating," or "Hershey's Summit Sweet Chocolate Coating."