

On September 28, 1943, the Southern Rice Sales Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be repackaged under the supervision of the Food and Drug Administration.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY*

5440. Adulteration of candy. U. S. v. 3 Cartons and 10 Boxes of Candy (and 2 other seizure actions against candy). Decrees of condemnation and destruction. (F. D. C. Nos. 10498, 10511, 10513. Sample Nos. 46185-F, 46187-F, 46190-F, 46192-F, 46193-F, 46197-F, 46198-F, 53319-F to 53321-F, incl.)

Examination showed that various portions of this product contained one or more of the following filthy substances: Larvae, insects, larva and insect fragments, rodent hair fragments, cast skins, and larvae cast skins.

On August 24, and 30, 1943, the United States attorney for the Western District of Virginia and the District of Columbia filed libels against 3 cartons and 10 boxes of candy at Front Royal, Va., and a total of 598 boxes of candy at Washington, D. C., alleging that the article had been shipped within the period from on or about July 23 to August 13, 1943, by or from the General Candy Co., Baltimore, Md.; 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: (Carton) "Baltimore Ices," or "Assorted Cocomanut Bonbons"; (boxes) "Peppermint Puffs," "Peanut Brittle Bars," "Peanut Bars," "Big Chief Peanut Bars," "Pe-Co Chop Suey Squares," or "Cocomanut Bon Bons Assorted."

On October 7 and 25, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5441. Adulteration of candy. U. S. v. 10 Cartons of Candy. Decree of condemnation and destruction. (F. D. C. No. 10514. Sample No. 46188-F.)

On August 30, 1943, the United States attorney for the District of Columbia filed a libel against 10 cartons of candy at Washington, D. C., alleging that the article had been shipped on or about August 4, 1943, from Baltimore, Md., by the Virginia Peanut Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of larvae, larva fragments, and insect fragments, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Carton) "Assorted Cocomanut Bonbons * * * Manufactured by General Candy Company 515 W. Lombard St. Baltimore, Md."

On October 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5442. Misbranding of candy. U. S. v. Cardinet Candy Company, Inc. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 10573. Sample No. 42648-F.)

On November 12, 1943, the United States attorney for the Northern District of California filed an information against the Cardinet Candy Co., Inc., Oakland, Calif., alleging shipment on or about May 3, 1943, from the State of California into the State of Oregon of 2 cases, each containing a number of candy bars that were misbranded. The article was labeled in part: (Wrapper enclosing candy bar) "Cardinet's Almond Toffee. Net Weight 1 Oz."

The article was alleged to be misbranded in that the statement "Net Weight 1 Oz" borne on the wrapper was false and misleading since each of the candy bars weighed less than 1 ounce net; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

On November 26, 1943, a plea of nolo contendere having been entered, the court imposed a fine of \$50.

5443. Misbranding of candy. U. S. v. 22 Cases and 25 Cases of Candy. Consent decree of condemnation. Product ordered released under bond for re-labeling and repacking. (F. D. C. No. 10345. Sample Nos. 12285-F, 12286-F.)

This candy was contained in small cedar chests, each chest containing a cellophane-wrapped tray of candy which was elevated by means of a false bottom.

*See also, Gift Packages.

When opened, the chest appeared full of candy. The candy occupied, however, only approximately 31 percent of the capacity of the container. The label failed to bear the name and place of business of the manufacturer, packer, or distributor.

On August 6, 1943, the United States attorney for the District of Oregon filed a libel against 47 cases, each containing 12 cedar chests, of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce by the Evans Novelty Co. from Chicago, Ill., on or about June 25 and 28, 1943; and charging that it was misbranded. Each chest contained a cellophane-wrapped tray of candy with a sticker label reading: "De Luxe Assortment Ingredients * * * Net Weight 1 Pound."

The article was alleged to be misbranded in that the containers were so filled as to be misleading, since the candy occupied only approximately 31 percent of the capacity of the container, and in that it was food in package form but failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On August 19, 1943, Victor's Novelty Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled and repacked in a manner satisfactory to the Food and Drug Administration.

5444. Misbranding of candy. U. S. v. 6 Cases, 5 Cases, and 32 Cartons of Candy. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 10346. Sample Nos. 12278-F, 12279-F, 43102-F.)

This candy was contained in cedar chests or boxes, each chest or box containing a cellophane-wrapped tray of candy which was elevated by means of a false bottom. When opened, the chests and boxes appeared to be full of candy. The trays, however, occupied only approximately 31 percent of the capacity of the container. The labels failed to bear the name and place of business of the manufacturer, packer, or distributor.

On August 7, 1943, the United States attorney for the District of Oregon filed a libel against 6 cases, each containing 12 cedar chests, 5 cases, each containing 12 mirror boxes, and 32 cartons, each containing 12 cedar chests, of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about June 28, 1943, by the Sylvan Company from Chicago, Ill.; and charging that it was misbranded. Each chest or box contained a cellophane-wrapped tray of candy with a sticker label reading: "De Luxe Assortment."

The article was alleged to be misbranded in that its containers were so filled as to be misleading since the candy occupied only approximately 31 percent of the capacity of the boxes, and in that it was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On August 23, 1943, L. J. Korter, Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled and repacked under the supervision of the Food and Drug Administration.

5445. Misbranding of candy. U. S. v. 4 Cases and 11 Cases of Candy. Default decree of condemnation. Product ordered delivered to charitable organizations. (F. D. C. No. 10372. Sample Nos. 14497-F, 14498-F.)

A portion of this product (4 cases) consisted of a cardboard novelty box in the shape of a bomb and contained from 21 to 25 individually-wrapped candies. The remainder (11 cases) consisted of a cardboard novelty box in the shape of a bombshell and contained from 6 to 10 individually-wrapped candies, which occupied on an average about 60 percent of the container. Each package had an inset in the bottom about one-half inch deep. A portion of the product was found to be short weight. The net weight declaration was inconspicuous on both labels.

On August 7, 1943, the United States attorney for the Southern District of California filed a libel against 4 cases, each containing 60 packages, and 11 cases, each containing 144 packages, of candy at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 10 and March 5, 1943, by the Fascination Candy Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Packages) "Via Air Mail to Tokio U. S. A. Aerial Bomb * * * Net Weight 6 Ozs.," or "The Victory Bomb-Shell Junior."

The article was alleged to be misbranded in that the statement of quantity of contents required by law to appear on the label was not prominently placed