

**VIOLATIONS CHARGED:** Adulteration, Section 402(b)(1), a valuable constituent, vegetable oil, had been in part omitted; Section 402(b)(2), mineral oil had been substituted in part for vegetable oil; Section 402(b)(4), a substance, mineral oil, having no food value, had been added to the articles or packed with them so as to reduce their quality; Section 402(d), the articles were confectionery and they contained a non-nutritive substance, mineral oil; and, Section 402(b)(2), (portion of nut caramel bars only) cereal had been substituted in part for peanuts.

Misbranding, Section 403(a) the statements on the labels, (Full Dinner Bar) "Sugar, Glucose, Chocolate, Rice Flakes, Peanuts, Powdered Skim Milk, Vegetable Oil, Egg Albumen, Salt, Artificial Flavor," and (nut caramel bar) "Candy contains sugar, peanuts, corn syrup, powdered milk, vegetable oil, salt, artificial flavor," were false and misleading as applied to the article, which contained mineral oil. Further misbranding (portion of nut caramel bar only), Section 403(a), the name of the article, "Nut Caramel," in conjunction with the designation "Peanuts" in the ingredient list, was misleading since it suggested and implied that peanuts constituted the sole filling ingredient; and, Section 403(i)(2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since cereal was not declared.

**DISPOSITION:** June 7 and 16, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**6654. Misbranding of candy kisses. U. S. v. 200 Boxes of Candy Kisses. Default decree of condemnation and destruction.** (F. D. C. No. 11207. Sample No. 61064-F.)

**LIBEL FILED:** November 30, 1943, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 15, 1943, by the Ervan Guttman Co., from Cincinnati, Ohio

**PRODUCT:** 200 boxes of candy kisses at New Orleans, La.

The average net weight of the article was 2.20 ounces. The candy kisses occupied, on the average, only 62 percent of the volume of the box.

**LABEL, IN PART:** (Box) "Mary, Mary, Quite Contrary How Does Your Garden Grow? \* \* \* [or "A Dillar, A Dollar, A Ten O'Clock Scholar \* \* \*"] 3 oz. Net Weight."

**VIOLATIONS CHARGED:** Misbranding, Section 403(a), the statement "3 oz. Net Weight" was false and misleading as applied to the article, which was short weight; Section 403(d), the container was so filled as to be misleading; and, Section 403(e)(2), it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** May 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6655. Misbranding of candy. U. S. v. 77 Cartons of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. No. 12110. Sample No. 28854-F.)

**LIBEL FILED:** On or about April 1, 1944, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about March 13, 1944, by the Hodges Candy Co., from Milledgeville, Ga.

**PRODUCT:** 77 cartons, each containing 24 bars, of candy at Jacksonville, Fla.

**LABEL IN PART:** (Bar wrapper) "Cocoanut Roll Candy."

**VIOLATION CHARGED:** Misbranding, Section 403(a), the name "Cocoanut Roll" was false and misleading as applied to the article, which contained no coconut.

**DISPOSITION:** April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions.

#### CHOCOLATE AND COCOA PRODUCTS

**6656. Adulteration of chocolate products and shelled peanuts. U. S. v. 10 Bags of Cocoa Butter, 2 Bags of Chocolate Liquor, 372 Bales of Chocolate Coating and 180 Bags of Shelled Peanuts. Consent decree of condemnation. Products ordered released under bond.** (F. D. C. No. 12136. Sample Nos. 40101-F to 40106-F, incl.)

**LIBEL FILED:** April 7, 1944, Northern District of Iowa.

**ALLEGED SHIPMENT:** From on or about March 31, 1942, to February 19, 1944, from Mt. Joy and Elizabethtown, Pa., Chicago, Ill., and Roxobel, N. C.

**PRODUCT:** 10 156-pound bags of cocoa butter, 2 200-pound bags of chocolate liquor, 372 200-pound bales of chocolate coating, and 180 120-pound bags of shelled peanuts at Sioux City, Iowa, in possession of the Palmer Candy Co. The products had been stored under insanitary conditions after shipment. Examination of samples of the products showed contamination by rodent excreta and urine, rodent hairs, and rodent-gnawing.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 14, 1944. The Palmer Candy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**6657. Adulteration of cocoa beverage products. U. S. v. 68 Bags, 138 Bags, 27 Bags, and 76 Cases of Cocoa Products. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11258. Sample No. 48252-F.)**

**LIBEL FILED:** December 10, 1943, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 19, 1943, by Woodward & Dickerson, Buffalo, N. Y.

**PRODUCT:** 68 unlabeled 100-pound bags of a sweet cocoa product, 138 unlabeled bags, each containing about 90 pounds, of a screened cocoa product, 27 unlabeled bags, each containing about 90 pounds, of cocoa screenings, and 76 cases, each containing 144 2-ounce cellophane bags, of a cocoa product at Cleveland, Ohio.

The product was shipped unlabeled in burlap bags and a portion of it was repacked in 2-ounce cellophane bags by the consignee.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of cocoa contaminated with rodent hair fragments and insect fragments.

**DISPOSITION:** January 18, 1944. J. B. Robinson, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be sold for use other than human consumption or destroyed, under the supervision of the Food and Drug Administration.

**6658. Misbranding of a cocoa beverage product. U. S. v. 8 Cases of Cocoa. Default decree of condemnation. Product ordered delivered to a charitable institution or a relief organization. (F. D. C. No. 11957. Sample No. 78014-F.)**

**LIBEL FILED:** March 2, 1944, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 14, 1944, by the Van Dutch Products Corp., from New York, N. Y.

**PRODUCT:** 8 cases, each containing 24 packages, of cocoa at Wilkes-Barre, Pa.

**LABEL, IN PART:** (Packages) "Van Dutch Ready To Use Cocoa \* \* \* Net Weight ½ Lb."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "Net Weight ½ Lb." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution or an emergency relief organization.

#### SIRUPS AND SUGARS

**6659. Adulteration and misbranding of molasses. U. S. v. 550 Cases of Molasses. Default decree of condemnation and destruction. (F. D. C. No. 11798. Sample No. 35660-F.)**

**LIBEL FILED:** February 15, 1944, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about December 27, 1943, by the Colonial Molasses Co., Inc., from New Orleans, La.

**PRODUCT:** 550 cases, each containing 24 jars, of molasses at Atlanta, Ga.

**LABEL, IN PART:** (Jars) "Colonial Red Label New Orleans Molasses \* \* \* Net Vol. 15 Fl. Ozs."