

**8346. Adulteration of candy. U. S. v. 49 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 14884. Sample No. 34979-F.)

**LIBEL FILED:** January 2, 1945, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about December 6, 1944, by the Morgan Candy Manufacturing Co., from Hickory, N. C.

**PRODUCT:** 49 cartons, each containing 24 bars, of candy at Atlanta, Ga.

**LABEL, IN PART:** "Tropic Bar."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8347. Misbranding of candy. U. S. v. 143 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 14962. Sample No. 73280-F.)

**LIBEL FILED:** January 5, 1945; amended March 27, 1945, Northern District of California.

**ALLEGED SHIPMENT:** On or about October 18, 1944, by the McPhail Chocolates Co., from Atlanta, Ga.

**PRODUCT:** 143 boxes of candy at San Francisco, Calif. These boxes had diagonal dividers which hindered filling them to capacity. They also contained less than the declared weight.

**LABEL, IN PART:** "Russell McPhail Chocolate Pecan Delights Half Pound Net."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (d), the container was so filled as to be misleading, since the candy did not occupy the full capacity of the box; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** May 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8348. Misbranding of chocolate bars. U. S. v. 13 Cases of Chocolate Bars. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. No. 14910. Sample No. 94213-F.)

**LIBEL FILED:** January 12, 1945, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 15, 1944, by the Bachman Chocolate Mfg. Co., Mt. Joy, Pa.

**PRODUCT:** 13 cases, each containing 12 boxes, of 24 1 $\frac{3}{8}$ -ounce chocolate bars at New York, N. Y. Examination showed that the article consisted of sweet milk chocolate. The product contained approximately 45 percent sugars, of which only about  $\frac{1}{3}$  was dextrose. The bar was made in the form of a block, with a hollow depression in the top, and it was wrapped in an opaque wrapper which served to conceal the depression.

**LABEL, IN PART:** (Bars) "Athlete 5¢ Sweet Milk Chocolate Bar."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the following statements which appeared in the label were false and misleading, since the article's total sugar content was only approximately one-third dextrose: "Rich in Pure Dextrose ('Muscle' Sugar) \* \* \* The Value of Dextrose to Active People \* \* \* Doctors call Dextrose 'muscle sugar'. Many athletes are given Dextrose before, during and after contests. Dextrose sugar is also prescribed for new-born babies, for growing children, for active men and women. Athlete Bar \* \* \* provides an abundance of Dextrose to help fight fatigue and to build up a reserve supply of food energy \* \* \* rich in pure Dextrose sugar"; and, Section 403 (d), the container was so made, formed, and filled as to be misleading, since the container, the opaque wrapper, concealed the deep depression in the chocolate bar.

**DISPOSITION:** February 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**8349. Misbranding of candy. U. S. v. 20 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 14651. Sample No. 93642-F.)

**LIBEL FILED:** December 15, 1944, District of New Jersey.