

12870. Misbranding of candy. U. S. v. 138 Boxes * * * (F. D. C. No. 23943. Sample Nos. 26835-K to 26839-K, incl.)

LABEL FILED: October 30, 1947, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 7, 1947, by the Hy-Lan Candy Co., Inc., from Atlanta, Ga.

PRODUCT: 138 boxes each containing 36 assorted candy bars at Memphis, Tenn.

LABEL, IN PART: "Cream Bar Net Wt. 1½ Ozs.," "Peanut Honey Average Weight 2 Ozs.," "Peanut Bar Average Weight 2 Ozs.," "Coconut Bar Net Wt. 1½ Ozs.," or "Sugar Stick Net Wt. 1 Oz."

NATURE OF CHARGE: Misbranding, Section 402 (e) (2), (all candy bars except Sugar Stick) the products failed to bear labels containing an accurate statement of the quantity of the contents. (The candy bars were short-weight, with the exception of the Sugar Stick.)

DISPOSITION: February 11, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.

12871. Misbranding of caramels. U. S. v. 35 Cases * * * (F. D. C. No. 24441. Sample No. 12135-K.)

LABEL FILED: February 13, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 3, 1948, by the Benson Manufacturing Co., from Philadelphia, Pa.

PRODUCT: 35 cases, each containing 140 packages, of caramels at Cincinnati, Ohio. Examination showed that each package contained five caramels, whereas seven could easily have been placed in each package. In addition, the product was found to be short-weight.

LABEL, IN PART: "ABC Deluxe Quality Caramels Net Wt. 1⅛ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since at least two additional caramels could easily have been placed in each package; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 9, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 12872 to 12875; that was below the legal standard for milk fat content, Nos. 12876 to 12883; and that was short of the declared weight, No. 12884.

12872. Action to enjoin and restrain the interstate shipment of butter, cheese, and cheese products. U. S. v. Hygrade Food Products Corporation and Edward Berens. Complaint for permanent injunction dismissed. (Inj. No. 115.)

COMPLAINT FILED: October 24, 1945, Northern District of Iowa, against the Hygrade Food Products Corporation, New York, N. Y., and Edward Berens of Cedar Rapids, Iowa, district manager of the corporation's branch plants, at Tipton, Olin, Plainfield, Toledo, and Clarksville, Iowa.

The complaint alleged that since on or about April 1943, the defendant had been manufacturing butter, cheese, and cheese products under grossly insanitary conditions at the above-mentioned plants, where the products became contaminated with filth whereby they may have been rendered injurious to health; that the products so manufactured contained manure, insect legs, fly fragments, house flies, larvae, rodent hairs, weevils, mites, spiders, cockroaches, mosquitoes, sand, dirt, rust, wood, metal, plant fragments, cow hairs, and other filthy and deleterious substances unfit for food; and that the milk used in the manufacture of the products at the Olin, Plainfield, and Toledo, Iowa, plants was not pasteurized before such manufacture.

The complaint alleged further that the defendants had been shipping, and were continuing to ship, in interstate commerce, butter, cheese, and cheese