

SHIPPED: 11-17-61, from Brooklyn, N.Y., by Phoenix Candy Co., Inc.

LABEL IN PART: (Bag) "More Than 50 Eljay Chocolate flavored Rolls 'Real-e-e-Chocolate-e-e-e' * * * Net Weight 9 $\frac{1}{4}$ Ounces These Delicious Candies Contain: * * * Cocoa, Chocolate Liquor * * * Mfg. For Eljay Service Linden, New Jersey."

RESULTS OF INVESTIGATION: Examination showed the article to be chocolate-flavored, chewy, candy rolls. The net weight and ingredient statement and the name and address of the distributor were printed in brown ink on a clear plastic bag and were inconspicuous against the background of the dark brown wrappers of the individual pieces of candy.

LIBELED: 1-3-62, Dist. N.J.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1), (e)(2), (i)(2), and (k) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, the common or usual name of each ingredient, and the declaration of the fact that artificial flavor had been added, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-13-62. Default—delivered to charitable institutions.

27876. Chocolate chips. (F.D.C. No. 47234. S. No. 28-469 T.)

QUANTITY: 39 cases, 12 bags each, at Cedar Rapids, Iowa.

SHIPPED: 1-17-62, from Minneapolis, Minn., by United Packaging Service.

LABEL IN PART: (Bag) "Semi-Sweet Chocolate Chips Net Weight 12 Ounces * * * Distributed by United Packaging Service, Minneapolis, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-8-62, N. Dist. Iowa.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-23-62. Default—delivered to a charitable institution.

27877. Peppermint lozenges. (F.D.C. No. 47442. S. No. 43-990 T.)

QUANTITY: 124 cases, 12 bags each, at Philadelphia, Pa.

SHIPPED: 12-29-61 and 3-9-62, from Malden, Mass., by Edgar P. Lewis & Sons, Inc.

LABEL IN PART: (Bag) "Lewis * * * Peppermint Lozenges Net Wt. 10 Oz. * * * Made by Lewis & Sons, Malden, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was contained in clear cellophane bags on which the name and address of the manufacturer and the statement of ingredients were printed in white ink, making it difficult to read against the white candy in the background.

LIBELED: 4-10-62, E. Dist. Pa.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1) and (i)(2) to appear on the label, namely, the manufacturer's name and place of business, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other

words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-9-62. Default—destruction.

DAIRY PRODUCTS

BUTTER

27878. Butter. (F.D.C. No. 44650. S. Nos. 86-631 P, 8-461 R.)

INFORMATION FILED: 8-22-60, W. Dist. N.Y., against Pavilion Creamery Co., Inc., Rochester, N.Y.

ALLEGED VIOLATIONS: On 1-14-53 and 3-31-55, the defendant gave to two firms engaged in the business of shipping butter in interstate commerce, guaranties to the effect that butter delivered by the defendant under the guaranties would not be adulterated. On 2-2-60 and 2-29-60, the defendant caused to be delivered to the holders of the guaranties quantities of butter which was adulterated.

CHARGE: 402(b) (1)—a valuable constituent, milk fat, had been in part omitted from the article; and 402(b) (2)—a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

PLEA: Guilty.

DISPOSITION: 10-10-60. \$500 fine.

27879. Butter. (F.D.C. No. 45970. S. No. 35-960 R.)

INFORMATION FILED: 7-18-61, Dist. Nebr., against Forrest G. Miller, a partner in the partnership of Farmers Creamery, Pender, Nebr.

SHIPPED: 8-29-60, from Nebraska to Ohio.

CHARGE: 402(b) (1)—when shipped, a valuable constituent, milk fat, had been in part omitted from the article; and 402(b) (2)—a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

PLEA: Nolo contendere.

DISPOSITION: 10-5-61. \$100 fine which was suspended.

27880. Butter. (F.D.C. No. 43771. S. No. 62-895 T.)

QUANTITY: 79 64-lb. boxes, at St. Paul, Minn.

SHIPPED: 3-19-62, from Bismarck, N. Dak., by Capital Milk Products Co.

LABEL IN PART: "Butter Armour Creameries Distributors Gen'l Office—Chicago, Ill. CREAMERY BUTTER Keep Refrigerated."

LIBELED: 4-3-62, Dist. Minn.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 5-10-62. Consent—claimed by Capital Milk Products Co., and released under bond to be reworked.

CHEESE

27881. Romano cheese. (F.D.C. No. 47049. S. Nos. 12-542/3 T.)

QUANTITY: 89 cheeses, 2,126 lbs. total, at Blanchardville, Wis.

SHIPPED: 12-7-61, from Forreston, Ill., by Forreston Swiss Cheese Co.