

CHARGE: 402(a) (1)—the article consisted in part of a poisonous and deleterious substance by reason of the presence therein of DDT tracking powder; and 402(a) (4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 4-4-63. Corporation—\$100 fine; each individual—\$100 fine.

28732. Breeding and batter mix. (F.D.C. No. 48364. S. Nos. 6-640 V, 7-101 V.)

QUANTITY: 445 50-lb. bags of breeding and 292 50-lb. bags of batter mix, at Charlestown, Mass., in possession of Fulham Bros., Inc.

SHIPPED: Between 8-16-62 and 10-12-62, from New York, N.Y., and Chicago, Ill.

LIBELED: 11-15-62, Dist. Mass.

CHARGE: 402(a) (3)—the breeding contained insects; and 402(a) (4)—both lots held under insanitary conditions.

DISPOSITION: 1-14-63. Default—destruction.

## CONFECTIONERY, SUGAR, AND SIRUP

### CONFECTIONERY\*

28733. Candy. (F.D.C. No. 48102. S. Nos. 72-245 T, 72-247 T.)

QUANTITY: 5 bulk boxes and 26 cases, each containing 12 10-oz. pkgs. of Milk Chocolate Stars, and 5 bulk cases and 25 cases, each containing 12 10-oz. pkgs. of Chocolate Nonpareils, at Dayton, Ohio, in possession of Dixie Candy & Fountain Supply.

SHIPPED: Between 2-1-62 and 7-9-62, from Chicago, Ill., and Brooklyn, N.Y.

LABEL IN PART: (Pkg.) "Dixie \* \* \* Distributed by Dixie Candy Dayton, Ohio Ingredients All or part of sugar, peanuts, corn syrup, coconut oil, gelatin, salt, baking soda, natural and artificial flavoring or coloring," and "Dixie Nonpareils \* \* \* Ingredients All or part of sugar, peanuts, corn syrup, coconut oil, gelatin, salt, baking soda, natural and artificial flavoring or coloring Distributed By Dixie Candy Dayton, Ohio."

RESULTS OF INVESTIGATION: The articles were shipped in bulk packages and repacked and labeled by the dealer as described above. The Milk Chocolate Stars bore a label on which the ingredients statement was printed in very small type making it difficult to read.

LIBELED: 9-18-62, S. Dist. Ohio.

CHARGE: Milk Chocolate Stars (bulk and repack), 403(a)—while held for sale, the labeling, namely, the repack label, made statements which represented and suggested that the article contained peanuts and coconut oil, gelatin, baking soda, natural flavoring and artificial coloring, which statements were false and misleading since they were contrary to fact; 403(f)—the information required to appear on the label under 403(i) (2), namely, the common or usual name of each ingredient, was not prominently placed thereon (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the labels failed to bear the common or usual name of each ingredient.

\*See also No. 28784.

Chocolate Nonpareils (bulk and repack), 403(a)—the labeling, namely, the repack label, made statements which represented and suggested that the article contained peanuts, coconut oil, gelatin, baking soda and artificial coloring, which statements were false and misleading since they were contrary to fact; and 403(i)(2)—the label failed to bear the common or usual name of each ingredient.

DISPOSITION: 12-12-62. Default—delivered to a civic organization for charitable purposes.

**28734. Butterscotch chips (candy).** (F.D.C. No. 48300. S. No. 94-429 T.)

QUANTITY: 49 cases, 24 6-oz. pkgs. each, at Minneapolis, Minn.

SHIPPED: Between 7-27-62 and 8-9-62, from Milwaukee, Wis.

LABEL IN PART: (Pkg.) "QUALITY PAK BUTTERSCOTCH CHIPS \* \* \*  
DISTRIBUTED BY UNITED PACKING SERVICE, MINNEAPOLIS, MINNESOTA  
INGREDIENT \* \* \* EMULSIFIER."

RESULTS OF INVESTIGATION: Examination showed that the article contained imitation maple flavor, artificial butter flavor, and little or no butter. The article was shipped in bulk to the United Packing Service where it was repacked into the above-mentioned packages.

LIBELED: 10-5-62, Dist. Minn.

CHARGE: 403(a)—while held for sale, the name "Butterscotch chips" was false and misleading as applied to an artificially flavored product containing little or no butter; and 403(i)(2)—the label failed to bear the common or usual name of each ingredient, since the term "EMULSIFIER" was not the common or usual name of an ingredient.

DISPOSITION: 1-9-63. Consent—claimed by United Packaging Co., Inc., Minneapolis, Minn., and relabeled.

**28735. Candy.** (F.D.C. No. 48488. S. No. 16-746 V.)

QUANTITY: 7 cases, each containing 24 1-lb. boxes, at Chattanooga, Tenn.

SHIPPED: 10-18-62, from St. Louis, Mo., by Purity Candy Co.

LABEL IN PART: (Box) "Purity Candy Co. St. Louis, Mo."

LIBELED: 12-14-62, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects, insect larvae, insect parts, and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-15-63. Default—destruction.

**28736. Candy.** (F.D.C. No. 48478. S. No. 34-217 V.)

QUANTITY: 47 cases, containing 24 9½-oz. bags each, and 44 9½-oz. bags, at Hopkins, Minn.

SHIPPED: 9-26-62, from Chicago, Ill., by Wolch Nut & Candy Co.

LABEL IN PART: (Bag) "Wolch's Rum Eclairs \* \* \* Ingredients: \* \* \*  
Natural and Artificial Flavors \* \* \* Dist. by Wolch Nut & Candy Co. Chicago,  
Ill."

LIBELED: 12-14-62, Dist. Minn.