

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.

CHARGE: 402(a)(3)—when shipped, the article was unfit for food by reason of having a strong, soapy flavor repulsive to the taste; and 403(a)—the name "Rum Eclairs" was false and misleading as applied to an article containing imitation rum flavor.

DISPOSITION: 1-29-63. Default—destruction.

28737. Candy. (F.D.C. No. 48184. S. Nos. 3-012/13 R, 88-417/18 T, 88-420 T.)
INFORMATION FILED: 2-8-63, M. Dist. Ga., against James L. Shirey, t/a Allen's Candies, Columbus, Ga.

SHIPPED: Between 9-23-60 and 7-25-62, from Columbus, Ga., to Wellington, Oxford, Anniston, and Phenix City, Ala.

LABEL IN PART: "Allen's Candies Avg Wt 1 oz. Columbus, Georgia."

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

PLEA: Nolo contendere.

DISPOSITION: 3-7-63. \$250 fine.

28738. Candy bars. (F.D.C. No. 48261. S. Nos. 2-607/8 V.)

QUANTITY: 137 boxes, 24 1 $\frac{3}{8}$ -oz. bars each, at Kingstree, S.C.

SHIPPED: Between 6-20-62 and 9-21-62, from Atlanta, Ga.

LIBELED: 11-7-62, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 3-16-63. Default—destruction.

SUGAR AND SIRUP

28739. Sugar and flour. (F.D.C. No. 48468. S. Nos. 45-438/9 V.)

QUANTITY: 11 100-lb. bags of sugar and 15 100-lb. bags of flour, at Joplin, Mo., in possession of Bastian Wholesale Grocery Co.

SHIPPED: 10-25-62 and 11-1-62, from Brighton, Colo., and Wichita, Kans.

LIBELED: On or about 12-3-62, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-21-63. Default—destruction.

28740. Sorghum sirup mixture. (F.D.C. No. 48291. S. No. 27-665 V.)

QUANTITY: 300 cans at Muncie, Kans.

SHIPPED: 9-16-62, from Joplin, Mo., by Ray Sloan.

LABEL IN PART: (Can) "Country Sorghum New Crop Made For Ray Sloan, Distr. * * * Joplin, Missouri Made From Cane Juice * * * Minimum Weight 4 $\frac{1}{2}$ Pounds."

RESULTS OF INVESTIGATION: Examination showed the article to be a mixture of sorghum sirup and saccharin, or other sweetening substance.

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