

**6409. Adulteration and misbranding of candy. U. S. \* \* \* v. Walter W. De Bevoise. Plea of guilty. Fine, \$25.** (F. & D. No. 8530. I. S. No. 5403-m.)

On March 2, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter W. De Bevoise, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the Foods and Drugs Act, on or about November 18, 1916, from the State of New York into the State of Maryland, of a quantity of an article labeled in part, "Chocolate and Peanuts Jumbo Wonders \* \* \* Manufactured by Walter W. De Bevoise, Brooklyn, N. Y.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Iodin No. of fat.....	75.5
Refractometer reading of fat at 40° C.....	1.4613
Cottonseed oil test:	Positive.

Adulteration of the article was alleged in the information for the reason that an imitation chocolate, composed in part of cottonseed oil, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for chocolate and peanuts, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Chocolate and Peanuts Jumbo Wonders," borne on the package containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of chocolate and peanuts; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed wholly of chocolate and peanuts, whereas, in truth and in fact, it was not, but consisted in part of an imitation chocolate composed in part of cottonseed oil.

On March 9, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*