

**942. Adulteration and misbranding of candy. U. S. v. 62 Boxes of Candy. Decree of condemnation and destruction. (F. D. C. No. 2036. Sample No. 15105-E.)**

Samples of this product were found to contain rodent hairs and rodent excreta. It was also short of the declared weight.

On May 31, 1940, the United States attorney for the Western District of Tennessee filed a libel against 62 boxes of candy at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about May 14, 1940, by the Mills Napper Candy Co. from Malden, Mo.; and charging that it was adulterated and misbranded. This shipment consisted of goods returned to the Thomas Bros. Candy Co., Memphis, Tenn. The article was labeled in part: "5 Cent Truck'n \* \* \* Thomas Bros. Candy Co., Memphis, Tenn. Net Weight 3 $\frac{3}{8}$  ozs. or Over."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statement "Net Weight 3 $\frac{3}{8}$  ozs." was false and misleading since the statement was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On June 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**943. Misbranding of candy. U. S. v. 24 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2341. Sample No. 14858-E.)**

This product was misbranded because of shortage from the declared weight and failure of the labeling to comply with certain labeling requirements, as indicated below.

On July 10, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 24 boxes of candy at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the Phoenix Candy Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Eastern Candy Co. \* \* \* Philadelphia, Pa. Assorted Salt Water Taffy 20 Lbs. Net. From Phoenix Candy Co."

It was alleged to be misbranded in that the statement "20 Lbs. Net" was false and misleading since the statement was not correct; in that it was in package form and did not bear an accurate statement of the quantity of the contents; and in that it was fabricated from two or more ingredients and did not bear the common or usual name of each of such ingredients.

On July 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**944. Misbranding of candy. U. S. v. 1,042 Packages of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 1945, 1946. Sample Nos. 14177-E to 14180-E, incl.)**

These candies were contained in packages labeled "1 $\frac{1}{2}$  Ounce," "1 $\frac{1}{2}$  Oz.," and "1 $\frac{1}{2}$  Lb.," respectively. In the half-ounce packages and in one lot of the 1 $\frac{1}{2}$ -ounce packages the candy occupied about one-half the volume of the boxes. In the other 1 $\frac{1}{2}$ -ounce packages the candy occupied not more than one-fourth of the volume of the boxes. The half-pound boxes each contained two layers of loosely packed candy, the top containing 17 pieces and the bottom 11 pieces of about the same size. These boxes had extension tops and bottoms, and each of them could probably have held a pound if packed in the usual manner.

On May 10, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1,042 packages of candy at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 25 and 30, 1940, by the Marvel Novelty Co. from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part, variously: "Jumbo Package"; "Dollyan Package"; "Supreme Superfine Confection"; or "Sunrise Assorted Sweets."

On June 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.