

misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On November 23 and 28, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1689. Adulteration of candy. U. S. v. 15 and 5 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3183. Sample Nos. 39283-E, 39284-E.)

A portion of this article contained rodent and cat hairs, and the remainder contained cat hairs, insect fragments, and live insects.

On October 11, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 20 boxes of candy at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about July 22 and August 29, 1940, by the Velma Lee Candy Co. from Shreveport, La.; and charging that it was adulterated. The article was labeled in part: "100 Jumbo Mint" or "100 Jumbo Peanut Butter."

It was alleged to be adulterated in that it consisted in whole 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.

On January 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1690. Adulteration and misbranding of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2717. Sample Nos. 33530-E, 33531-E, 33862-E.)

One lot of this product was artificially flavored and colored, one lot was artificially flavored, and one lot was flavored with essential oil. Furthermore, the candy occupied only about 75 percent of the volume of the packages.

On September 3, 1940, the United States attorney for the District of New Jersey filed a libel against 46 boxes of candy at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 8, 1940, by Cocilana, Inc., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "[Design of fruits] Pineapple [or "Raspberry" or "Peppermint"] Fruit Nips."

It was alleged to be adulterated in that substances, namely, artificially flavored and colored candy in the case of the "Raspberry," artificially flavored candy in the case of the "Pineapple," and candy flavored with essential oil in the case of the "Peppermint" had been substituted for candies containing substantial proportions of fruit as the name "Fruit Nips" implied. The Raspberry Fruit Nips were alleged to be adulterated further in that inferiority had been concealed by the addition of artificial color.

Misbranding was alleged in that the names "Raspberry [or "Pineapple" or "Peppermint"] * * * Fruit Nips" and the designs of fruits appearing prominently on the display carton and label of the retail packages, were false and misleading as applied to candies which were artificially flavored or flavored with essential oil and which did not contain a substantial amount of fruit. Misbranding was alleged for the further reason that the article was offered for sale under the name of another food, namely, Raspberry (or Pineapple or Peppermint) Fruit Nips; and in that its containers were so made, formed, or filled as to be misleading.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1691. Misbranding of candy. U. S. v. 213 and 32 Packages of Candy. Default decree of condemnation and sale. (F. D. C. Nos. 3189, 3190. Sample No. 20959-E.)

This product was short of the declared weight, and the label failed to bear the common or usual name of each ingredient.

On October 15, 1940, the United States attorney for the Northern District of Georgia filed libels against 245 packages of candy at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by Russell McPhail from Jacksonville, Fla.; and charging that it was misbranded. It was labeled in part: (Boxes) "Russell McPhail Home Made Candies."

It was alleged to be misbranded (1) in that the statement "One Pound Net" was false and misleading since it was incorrect; (2) in that it was in

package form and did not bear an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient.

On November 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be correctly relabeled and sold by the United States marshal.

1692. Misbranding of candy. U. S. v. 16 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2502. Sample No. 24346-E.)

The foil box wrapper, box, display sticker, and the visible portion of the bar wrapper of this product designated it as "Milk Chocolate and Almonds," but not until after the folded ends of the bar wrapper were opened and the bar was unwrapped did the ingredients statement become visible. Neither the box nor its foil wrapper bore statements of the quantity of contents and of the ingredients.

On August 7, 1940, the United States attorney for the District of New Jersey filed a libel against 16 boxes of candy at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by Luden's, Inc., from Reading, Pa.; and charging that it was misbranded. It was labeled in part: (Foil wrapping on box) "Frozen Fifth Avenue 5¢ 24-5¢ bars Milk Chocolate & Almonds."

The article was alleged to be misbranded (1) in that the prominent statement "Milk Chocolate and Almonds" on its box wrapper, box, display sticker, and bar wrapper, was false and misleading since it named only two of the ingredients and this was not corrected by the inconspicuous statement of ingredients on the bar wrapper; (2) in that it was in package form and the box wrapper and box did not contain an accurate statement of the quantity of the contents; and (3) in that the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents and a statement of ingredients, required by law to appear on the label or labeling, were not prominently placed on the bar wrapper with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

The article was alleged to be misbranded further in that it was fabricated from two or more ingredients and the box wrapper and box did not bear the common or usual name of each such ingredient.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1693. Adulteration of chocolate cherries. U. S. v. 17 Cartons of Chocolate Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3490. Sample No. 55346-E.)

The boxes containing this product had a capacity of 70 cubic inches. The same quantity of cherries could have been placed in a 58-cubic-inch box. The box did not bear a statement of the ingredients, and other labeling required by law was inconspicuously placed on the end panels.

On December 9, 1940, the United States attorney for the District of Idaho filed a libel against 17 cartons of candy at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about October 2, 1940, by Luden's, Inc., from Reading, Pa.; and charging that it was misbranded. It was labeled in part: (Boxes) "Satin Finish Chocolate Cordial Cherries."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the name and place of business of the manufacturer, and statement of artificial flavoring, artificial coloring, and chemical preservatives, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by an ordinary individual under customary conditions of purchase and use. The article was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.