

The article was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. It was misbranded further in that it did not bear the common or usual name of the food; and in that it was fabricated from two or more ingredients and did not bear the common or usual name of each ingredient.

On February 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1840. Adulteration and misbranding of olive oil and Spagna Brand oil. U. S. v. 29 Cans of Olive Oil and 59 Cans of Spagna Brand Oil. Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 3510. Sample Nos. 36374-E, 36375-E.)

Both of these products were short of the declared volume. The Spagna Brand oil consisted of edible vegetable oils and olive oil containing undeclared artificial color and artificial flavor.

On December 12, 1940, the United States attorney for the District of Rhode Island filed a libel against the above-named products at Pawtucket, R. I., alleging that the articles had been shipped in interstate commerce on or about May 21, 1940, by Nunzio P. Previte from Boston, Mass.; and charging that they were misbranded and that the Spagna Brand oil was also adulterated. They were labeled in part: "1 Full Gallon Pure Olive Oil Joseph Martini * * * Packed for Spagna Olive Oil Co., Boston, Mass.;" and "Contents One Gallon Spagna Brand Oil We guarantee 80% Vegetable Oil and 20% Pure Olive Oil."

The Spagna Brand oil was alleged to be adulterated in that inferiority had been concealed by the addition of artificial flavor and coloring; and in that artificial flavoring and coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

Both products were alleged to be misbranded in that the following statements in the labeling were false and misleading since they were incorrect, (29 cans) "One Full Gallon" and (59 cans) "Contents One Gallon"; and in that they were in package form and did not bear an accurate statement of the quantity of the contents. The Spagna Brand oil was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On January 21, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

SACCHARINE PRODUCTS

CANDY

1841. Adulteration of candy and misbranding of peanut butter. U. S. v. Dillon Candy Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 2948. Sample Nos. 646-E, 654-E, 790-E, 791-E, 799-E, 20075-E, 20084-E, 20098-E, 20249-E, 87797-D, 96510-D.)

This case was based on interstate shipments of candy that was contaminated with rodent hairs and insect fragments, and of peanut butter that was short of the declared weight.

On April 10, 1941, the United States attorney for the Southern District of Florida filed an information against the Dillon Candy Co., a corporation at Jacksonville, Fla., alleging shipment within the period from on or about July 15 to on or about August 13, 1940, from the State of Florida into the States of Georgia and South Carolina, of quantities of candy that was adulterated; and within the period from on or about February 6 to on or about July 10, 1940, from the State of Florida into the States of Alabama, Georgia, and South Carolina, of peanut butter that was misbranded. The articles were labeled in part: (Candy) "Dillon's Peanut Bar," "Dixie Confections," and "5¢ Dillon's Peanut Bar"; and (peanut butter) "Fresh Maid Peanut Butter Net Two Lbs. [or "One Lb."]," "Best Ever Brand Peanut Butter Net 16 Oz. [or "2 Lbs." or "32 Oz.]," and "Dillon's Peanut Butter * * * Net Two Lbs. [or "One Lb." or "1 Lb.]."

The candy 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.

The peanut butter was alleged to be misbranded in that the statements, "Net One Lb.," "Net 1 Lb.," "Net Two Lbs.," "Net 2 Lbs.," "Net 16 Oz.," and "Net 32 Oz.," were false and misleading since the jars did not contain the amounts declared but did contain smaller amounts. It was alleged to be misbranded further in that it was in package form and its label did not bear an accurate statement of the quantity of the contents in terms of weight.

On June 9, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

1842. Adulteration of candy. U. S. v. Charles O. McAfee and Joe B. Hill (McAfee Candy Co. and Liberty Candy Co.). Pleas of nolo contendere. Defendants placed on probation for 1 year. (F. D. C. No. 2946. Sample Nos. 20095-E to 20097-E, incl., 20300-E, 20481-E, 20498-E, 20903-E, 20904-E, 20906-E to 20908-E, incl., 37425-E.)

Examination of the candies involved in this case showed that they were contaminated with rodent hairs and insect fragments.

On June 25, 1941, the United States attorney for the Middle District of Georgia filed a libel against Charles O. McAfee and Joe B. Hill, copartners, trading as the McAfee Candy Co. and Liberty Candy Co., at Macon, Ga., alleging shipment from the State of Georgia into the States of North Carolina and South Carolina, within the period from on or about July 2 to on or about October 1, 1940, of quantities of candy that was 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. The article was labeled in part: "Nut Loaf Chocolate Nut Roll [or "Georgia Nut Roll," "Cocoanut Hay Stax," "Old-Fashioned Peanut Brittle," "5¢ Tops," "Hot Shot 5¢," "Magic Bar Candy," "Peanut Delight Candy," "Pie Face," "Goody Joe 5¢," "Cocoanut Delights Chocolate 5¢," "5¢ Butter Log," "Simply Nuts," "Big Boy 5¢," or "Cocoanut Delight Candy"] * * * Liberty Candy Co. Macon Ga.;" and "Peanut Squares [or "Jumbo Peanut Bar" or "1¢ Big Apple Suckers"] * * * McAfee Candy Co. Macon, Ga."

On June 25, 1941, the defendants having entered pleas of nolo contendere, they were placed on probation for 1 year.

1843. Adulteration of candy. U. S. v. 9, 19, and 38 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3985. Sample Nos. 37617-E, 37619-E, 37620-E.)

Examination showed that this product was contaminated with rodent hairs. A portion, labeled "Marble Hand Suckers," contained a glass marble firmly imbedded in each piece of candy.

On March 25, 1941, the United States attorney for the Eastern District of South Carolina filed a libel against 66 boxes of candy at Florence, S. C., alleging that the article had been shipped in interstate commerce on or about February 20, 1941, by the Acme Candy Co. from Wilson, N. C.; and charging that it was adulterated. The article was labeled in part: (Boxes) "Acme Giant Peco Bar 5c"; "Acme's Cherry Pops"; and "Acme's Marble Hand Suckers."

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. A portion of the article (38 boxes) was alleged to be adulterated also in that it was confectionery and bore or contained a nonnutritive article.

On June 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1844. Adulteration of candy. U. S. v. 23 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3714. Sample No. 35692-E.)

Examination showed that this product was contaminated with rodent hairs and dirt.

On or about January 31, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 23 cartons of candy at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about January 2 and 9, 1941, by the American Candy Manufacturing Co. from Selma, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On May 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.