

Brecht Candy Co. from Denver, Colo., on or about April 29, 1941; and charging that it was adulterated. It was labeled in part: "Cinnamon Candy Balls," "Candy Orange Slices," "Candy Cherries," "Druggists' Horehound Tablets," "Social Smacks," "Molasses Peanut Candy Squares," "Airway Chocolate Peanut Clusters," or "Pink Lozenges."

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

On May 23, 1941, the claimant having admitted the allegations of the libels, judgments of forfeiture were entered and the product was ordered destroyed.

2537. Misbranding of Oomph candy. U. S. v. 11 Dozen Boxes of Oomph Candy. Default decree of condemnation and destruction. (F. D. C. No. 3463. Sample No. 31214-E.)

This candy, which was offered as an aid to reduction of weight, had essentially the same composition, was wrapped and packed like, and possessed approximately the same caloric value as ordinary candy.

On December 4, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 11 dozen boxes of Oomph candy at Milwaukee, Wis., alleging that the article had been shipped on or about October 21, 1940, by Nu-Pak-Ej, Inc., from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "'Oomph' Candy and Reducing Program."

The article was alleged to be misbranded in that representations in the labeling that it would be efficacious in the safe reduction of weight; and that when used in conjunction with the dietary program included in the labeling, it would provide a proper method of "slenderizing" or losing excessive weight, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 511.

On January 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2538. Misbranding of candy. U. S. v. 37 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 1806. Sample No. 6034-E to 6037-E, incl.)

The labeling of this product bore false and misleading representations regarding its efficacy as a reducing agent. Furthermore, the lower layer of the boxes contained a smaller amount (in some instances half or less than half) of candy than the upper layer.

On April 19, 1940, the United States attorney for the District of Montana filed a libel against a total of 37 boxes of candy at Butte, Mont., alleging that the article had been shipped in interstate commerce within the period from on or about January 17 to on or about March 4, 1940, by Mrs. J. G. McDonald Chocolate Co. from Salt Lake City, Utah; and charging that it was misbranded. The article was labeled variously: "McDonald's * * * Slenderizing Chocolates"; "3 Favorites Meadow Milk Chocolates"; "Chocolate Covered Cherries Cream Brazil Nuts"; or "McDonald's Cherry Chocolates."

A portion of the article was alleged to be misbranded in that the statement "My Slenderizing Chocolates," borne on the label, was false and misleading as applied to an article containing the ingredients listed in the ingredient statement, namely, whipping cream, fresh eggs, creamery butter, chocolate, honey, sugar, nuts, and fruits, which would have no slenderizing effects. All lots were alleged to be misbranded in that the statements "How to keep slender * * * Slenderizing Hand-Rolled Chocolates * * * There is no more worry about excessive weight * * * Mrs. J. G. McDonald's World Famous Chocolate Coatings are extremely low in cocoa butter content * * * contains Dextrose and Levulose. These energizing ingredients are most essential in burning up excess fat * * * Eat Mrs. McDonald's Chocolates every day and keep fat away," appearing in the circular contained in the boxes, were false and misleading as applied to an article containing ingredients that have no slenderizing effects and do not burn up excess fat and do not keep fat away.

The cherry chocolates were alleged to be misbranded further in that the statement "whipping cream, fresh eggs, creamery butter, cocoanut, nuts, fruits" on the boxes was false and misleading as applied to an article that did not contain whipping cream, fresh eggs, creamery butter, cocoanut, and nuts as declared on the label and that contained only one fruit, namely, cherries.

All lots were alleged to be misbranded further in that the containers were so filled as to be misleading. They were alleged to be misbranded further in that the labels did not bear the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, the statement of ingredients, the statements of artificial flavor and artificial color and chemical preservative required by law to appear on the labels, prominently placed thereon with such conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

On May 23, 1940, no claimant having appeared, judgement of condemnation was entered and the product was ordered destroyed.

2539. Misbranding of chocolate-covered cherries. U. S. v. 18 Cartons of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3696. Sample No. 51004-E.)

Examination showed that the boxes of candy contained two layers of chocolate-covered cherries in paper cups, the pieces separated by cardboard dividers which extended $\frac{1}{4}$ inch beyond the candy on both sides of the boxes. The spaces for the individual pieces of candy were larger than necessary.

On January 23, 1941, the United States attorney for the District of Rhode Island filed a libel against 18 cartons of candy at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1940, by G. Cella, Inc., from New York, N. Y.; and charging that it was misbranded. The product was labeled in part: "Cella's Cherries Incased in Chocolate * * * One Pound Net Weight."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On June 13, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered distributed to charitable institutions.

SUGAR

2540. Adulteration of sugar. U. S. v. 34 Bags of Sugar. Default decree of condemnation and destruction. (F. D. C. No. 4926. Sample No. 67191-E.)

This product had been stored under insanitary conditions in the factory of the consignee; and the bags containing it were contaminated with rodent hairs, urine stains, and other soiled areas. Because of the porous character of the bags, the sugar itself had undoubtedly become contaminated.

On June 17, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 34 100-pound bags of sugar at Little Rock, Ark., alleging that the article had been shipped on or about February 15, 1941, by J. Aron & Co. from Schriever, La.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Supreme Extra Fine Granulated Pure Cane Sugar."

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLAVORS

2541. Adulteration and misbranding of vanilla and lemon extracts. U. S. v. 8 Cases of Lemon Extract and 9 Cases of Vanilla Extract. Default decree of forfeiture and destruction. (F. D. C. No. 4757. Sample Nos. 60585-E, 60586-E.)

Examination disclosed that the lemon extract was an artificially colored solution which contained no lemon oil and was practically worthless for flavoring purposes; and that the so-called vanilla extract was an imitation product that contained vanillin, coumarin, and caramel color.

On May 16, 1941, the United States attorney for the District of Idaho filed a libel against 8 cases of extract of lemon and 9 cases of extract of vanilla at Boise, Idaho, alleging that the articles had been shipped on or about January 30, 1941, by Gibson Evans Co. from Salt Lake City, Utah; and charging that it was adulterated and misbranded. It was labeled in part: "Gibson's Premier Extract Lemon [or "Vanilla"] * * * Net Contents 8 Fluid Oz."

The lemon extract was alleged to be adulterated in that an artificially colored solution practically worthless for flavoring purposes and containing no lemon oil had been substituted wholly or in part for extract of lemon. It was alleged to be misbranded in that the statement "Extract Lemon" was false and misleading; and in that it was offered for sale under the name of another food.