

2792. Action to enjoin and restrain distribution in interstate commerce of adulterated candy. U. S. v. Russell L. Stiles, Sr. (R. L. Stiles Co.). Consent decree granting perpetual injunction. (Inj. No. 20.)

On or about December 4, 1941, the United States attorney for the District of Massachusetts filed a complaint against Russell L. Stiles, Sr., trading as R. L. Stiles Co. at Stoneham, Mass., alleging that from on or about April 22, 1941, to the date of filing the complaint the defendant had been manufacturing and packing candy and similar confections under insanitary conditions whereby they had become contaminated with filth; that the foods so prepared and packed consisted in whole or in part of a filthy substance which was unfit for food and was adulterated in violation of the law.

The complaint further alleged that the food so prepared and packed by the defendant was being offered for shipment and was being shipped in interstate commerce from Massachusetts to various States; that the defendant would continue to ship similar products unless enjoined from doing so; that it was impossible for Federal authorities to examine and seize each and every interstate shipment of candy and confectionery which would be offered for introduction in interstate commerce by the defendant and that the purpose of the law would be defeated and frustrated unless the defendant was enjoined; and prayed that a preliminary injunction issue and that after due hearing a permanent injunction be granted.

On December 12, 1941, the defendant having consented to the entry of a decree, judgment was entered perpetually enjoining the defendant, and anyone acting upon his behalf, from the introduction or delivery for introduction in interstate commerce of candy or confectionery prepared, packed, or held in or upon the premises of the defendant which was adulterated or misbranded within the meaning of the law.

2793. Adulteration of candy. U. S. v. Emil George Carl (Blue Ribbon Candy Co.). Plea of guilty. Sentence suspended and defendant placed on probation. (F. D. C. No. 5495. Sample Nos. 24970-E to 24973-E, incl., 25784-E, 40422-E, 50917-E to 50920-E, incl.)

Examination showed that this product contained rodent hairs and insect fragments.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Emil George Carl, trading as Blue Ribbon Candy Co., at Baltimore, Md., alleging shipment from the State of Maryland into the States of Pennsylvania, Delaware, and Alabama, within the period from on or about December 5, 1940, to on or about March 24, 1941, of quantities of candy that was adulterated. It was labeled in part: "Fruit and Nuts"; "Cocoanut Cream"; "Cordial Cherries"; "Blackstone Butter Peanut Brittle * * * Packed expressly for M. Brenner & Sons, Harrisburg, Pa."; "Homeland Chocolate Cordial Cherries * * * Homeland Candy Company Baltimore, Maryland."

The article 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 October 3, 1941, the defendant entered a plea of guilty and the court suspended sentence and placed the defendant on probation for 60 days.

2794. Misbranding of Honey Flavored Nut Crisp. U. S. v. Anthony Cairo (Edith Cavell Candy Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 5493. Sample No. 44030-E.)

This product was short of the declared weight.

On October 11, 1941, the United States attorney for the Northern District of Illinois filed an information against Anthony Cairo, trading as Edith Cavell Candy Co., Chicago, Ill., alleging shipment on or about February 3, 1941, from the State of Illinois into the State of Colorado of a quantity of the above-named product that was misbranded.

The article was alleged to be misbranded in that the statement "16 Ounces," appearing on the boxes, was false and misleading since each of the boxes contained less than 16 ounces of food; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents in terms of weight.

On November 12, 1941, the defendant having entered a plea of guilty on October 29, 1941, the court imposed a fine of \$150.