

on or about October 19, 1941, by the Churngold Corporation from Cincinnati, Ohio; and charging that it was misbranded. It was labeled in part: "Blue Ribbon Vegetable Oleomargarine."

The article was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard because it contained less than 80 percent fat, namely, an average of 71.38 percent.

On December 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency for its use exclusively.

**2966. Misbranding of oleomargarine. U. S. v. 16 Cases of Oleomargarine. Default decree of condemnation. Product ordered distributed to local charitable institutions. (F. D. C. No. 6080. Sample No. 59066-E.)**

This product contained less than 80 percent of fat; its label failed to designate the optional fat ingredients; and the name and place of business of the manufacturer did not appear on the principal panels.

On October 27, 1941, the United States attorney for the District of Columbia filed a libel against 16 cases, each containing 30 cartons, of oleomargarine at Washington, D. C., alleging that the article was in interstate commerce in the District of Columbia and in possession of Giant Food Shopping Center; and charging that it was misbranded. It was labeled in part: "Southern Belle First Grade Oleomargarine One Pound Net. \* \* \* J. H. Filbert Inc. Baltimore, Maryland."

The libel charged that the article was misbranded: (1) In that the statements "First Grade Oleomargarine \* \* \* Conforms to all the pure foods laws," appearing in the labeling, were false and misleading since it contained less than 80 percent of fat. (2) In that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label or labeling, 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 the ordinary individual under customary conditions of purchase and use. (3) In that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard (a) in that it contained less than 80 percent of fat, and (b) in that its label failed to bear the statement of optional fat ingredients present.

On November 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to local charitable institutions.

### CANDY

**2967. Adulteration of candy. U. S. v. Mark D. Hodges (Hodges Candy Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 4165. Sample Nos. 20733-E, 20734-E, 20753-E, 20754-E, 20980-E, 37213-E, 37214-E, 37302-E, 37303-E.)**

Examination of this product showed evidence of rodent and insect infestation.

On August 22, 1941, the United States attorney for the Middle District of Georgia filed an information against Mark D. Hodges, trading as Hodges Candy Co. at Milledgeville, Ga., alleging shipment within the period from on or about October 28, 1940, to on or about January 20, 1941, from the State of Georgia into the States of Florida, Virginia, and South Carolina of quantities of candy which 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. It was labeled in part "Variety Bars."

On October 24, 1941, a plea of nolo contendere was entered on behalf of the defendant and a fine of \$300 was imposed.

**2968. Adulteration of candy. U. S. v. Norbert A. Kroeger (N. A. Kroeger & Co.) Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 4175. Sample Nos. 27508-E to 27510-E, incl.)**

This product, consisting of gum drops, was contaminated with rodent hairs and insect fragments.

On August 18, 1941, the United States attorney for the District of Maryland filed an information against Norbert A. Kroeger, trading as N. A. Kroeger & Co., Baltimore, Md., alleging shipment in interstate commerce on or about October

10, 1940, from the State of Maryland into the State of Indiana of a quantity of candy that was adulterated. It was labeled in part: "Subway Bars," "Orange & Lemon Slices," and "Kroeger's Jelly Cuts."

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 imposed a fine of \$25 and costs.

**2969. Adulteration of candy. U. S. v. 21 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6292. Sample No. 59919-E.)

This product contained rodent hairs and insect fragments.

On November 25, 1941, the United States attorney for the District of Delaware filed a libel against 21 cartons of candy at Georgetown, Del., alleging that the article had been shipped in interstate commerce on or about October 30, 1941, by Blue Ribbon Candy Co. from Baltimore, Md.; and charging it 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: (Carton) "Peanut Brittle."

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

Nos. 2970 to 2972 report the seizure and disposition of candy that was insect-infested.

**2970. Adulteration of candy. U. S. v. 16 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5663. Sample No. 61734-E.)

On September 12, 1941, the United States attorney for the Northern District of California filed a libel against 16 cartons of candy at Weed, Calif., alleging that the article had been shipped in interstate commerce by the Chicago Candy Association on or about March 29, 1941, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "24-5 Cents Tangos Bunte Brothers Chicago."

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

**2971. Adulteration of candy. U. S. v. 20 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5661. Sample No. 61732-E.)

On September 12, 1941, the United States attorney for the Northern District of California filed a libel against 20 cartons of candy at Weed, Calif., alleging that the article had been shipped in interstate commerce on or about February 5, 1941, by the Imperial Candy Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "24 Jubilee Bars."

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

**2972. Adulteration of candy. U. S. v. 10 Boxes and 12 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5664. Sample Nos. 61735-E, 61736-E.)

On September 12, 1941, the United States attorney for the Northern District of California filed a libel against 22 boxes of candy at Weed, Calif., alleging that the article had been shipped in interstate commerce on or about February 20, 1941, by Phyleen Candy Co. from Huntington, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Phyleen Golden [or "Silver"] Heart Nut Cluster Maple [or "Vanilla"] Cream 24 Count 5 Cents."

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

**2973. Adulteration of candy. U. S. v. 89 Packages and 35 Boxes of Candy (and 1 other seizure action against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6113, 6114. Sample Nos. 61798-E, 61799-E.)

This product was moldy.

On November 3, 1941, the United States attorney for the District of Oregon filed libels against 125 1-pound packages, 83 boxes each containing 12 1-pound packages, and 5 boxes each containing 40 1-pound packages of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce