

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

on or about October 13, 1941, by Lewis Sales Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: (Packages) "Chocolate Covered Rum & Butter Thins * * * Terry Candy Company, Elizabeth, New Jersey."

On December 11 and 16, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2974. Adulteration of candy. U. S. v. 5 Boxes, 3 Boxes, 25 Boxes, 21 Boxes, and 42 Boxes of Candy (and 2 other seizure actions against candy). Decrees of condemnation and destruction. (F. D. C. Nos. 6181, 6185, 6219, Sample Nos. 59059-E, 59062-E, 59063-E, 70201-E to 70205-E, incl., 74711-E.)

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

On November 7, 10, and 17, 1941, the United States attorneys for the Northern District of Georgia, District of Maryland, and the Southern District of New York filed libels against 96 boxes of candy at Atlanta, Ga., 264 boxes at Baltimore, Md., and 126 boxes at New York, N. Y., alleging that the article had been shipped on or about September 25 and 27, 1941, by Tower Candy Co. from Philadelphia, Pa.; and charging that it was adulterated. It was labeled in part: "Blk Walnut [or "Carmels," "Vanilla Creams," "L. Good," "L. Lunch Roll," "Mints," "Maple Cream," "Jelly," "D. Goodies," "L. Goodies," "Pineapple Creams," "Brazil Nuts," "Cocoanut Creams," "Peanut Chew," or "Chips"] "High Grade Chocolates."

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 November 18 and December 19, 1941, and January 5, 1942, the Tower Candy Co. having consented to condemnation of the product seized at Baltimore, and no claimant having appeared in the remaining actions, judgments of condemnation were entered and the product was ordered destroyed.

2975. Misbranding of candy. U. S. v. 20 Dozen Boxes and 12 Dozen Boxes of Candy (and 4 other seizure actions against candy). Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 4914, 4915, 4977, 5426, 5608. Sample Nos. 56699-E, 69996-E, 69997-E, 69999-E, 70000-E, 74268-E, 74306-E to 74308-E, incl.)

A portion of this product was short weight, and the containers in all lots were deceptive. It was misbranded further as indicated below.

Between June 17 and September 2, 1941, the United States attorneys for the District of New Jersey and the District of Connecticut filed libels against the following quantities of candy: 32 dozen boxes at Paterson, 48 dozen boxes at Union City, 424 boxes at Irvington, and 302 boxes at Newark, N. J.; and 9 cases, each containing 100 packages, at Hartford, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about May 15 to on or about August 18, 1941, by Delight Sweets, Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Hollywood Chocolates Net Weight 6 Oz."; "Duplex Assortment Rum and Butter and Assorted Chews * * * Net Weight 4 Oz."; "Duplex Assortment Gums & Chews Net Weight 5 Oz."; "Gum Joy Assortment Net Weight 4 Oz."; or "Social Sweets Gums & Chews Net Weight 8 Oz."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading, since the boxes were too large for the amount of candy they contained and the candy did not occupy a reasonable amount of the available space. Portions of the article were alleged to be misbranded further: (9 cases) (1) In that the statement "Net Weight 4 Oz." was false and misleading, and (2) 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 did not bear a label containing an accurate statement of the quantity of the contents. Certain lots were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, the statement of quantity of contents, and the statement of ingredients, 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.

Between September 23 and November 19, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered distributed to charitable institutions.