

its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents; and (5) in that the label contained representations in a foreign language, Italian, and the information required by law to appear on the label (the word "imitation," the name of the food imitated, the quantity of contents, and the common or usual name of each ingredient) did not appear thereon in said foreign language.

On August 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3807. Misbranding of oil. U. S. v. 5 5-Gallon Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 7466. Sample No. 64778-E.)**

This product was shipped in unlabeled cans and therefore failed to comply with certain labeling requirements of the law as indicated hereinafter.

On May 6, 1942, the United States attorney for the Western District of New York filed a libel against 5 5-gallon cans of oil at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about April 3, 1942, by Carmelo Polis from San Bernardino, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it failed to bear a label containing an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On June 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3808. Adulteration and misbranding of oil. U. S. v. 52 Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 7543. Sample No. 86381-E.)**

On May 25, 1942, the United States attorney for the Western District of Michigan filed a libel against 52 cans of oil at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce on or about February 7, 1942, by Roma Macaroni Manufacturing Co., Inc., from Chicago, Ill., and charging that it was adulterated and misbranded. The article was labeled in part: (Can) "One Gallon Roma Brand Pure Oil \* \* \* Packed by J. A. Importing Co. Chicago, Ill."

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil with some peanut oil, and containing little or no olive oil, had been substituted wholly or in part for a blend of 78 percent and cottonseed oil and 22 percent pure imported olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the statements on the can label, "One Gallon \* \* \* A Superb Blend of 78% choice peanut and cottonseed salad oil and 22% pure Imported Olive Oil," were false and misleading since it consisted essentially of cottonseed oil with some peanut oil and little or no olive oil and the cans contained less than 1 gallon; (2) in that the name "Roma," together with the picture of an ocean steamer and the design of an Italian flag borne on the label were false and misleading since such name and picture represented and suggested that it was of Italian origin, whereas it was not; and (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On July 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## SACCHARINE PRODUCTS

### CANDY

**3809. Adulteration of candy. U. S. v. Charles E. Carter (Atlanta Candy Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 7280. Sample Nos. 37576-E, 37577-E, 37578-E.)**

Filth, such as rodent hairs, insects, larvae, and miscellaneous insect fragments, was found in samples taken from these candies.

On June 10, 1942, the United States attorney for the Northern District of Georgia filed an information against Charles E. Carter, trading as Atlanta Candy Co. at Atlanta, Ga., alleging shipment on or about October 1 and 6, 1941, from

the State of Georgia into the States of North Carolina and Tennessee 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: "Quality Candy Tasty Stick [or "Tasty Bar"]."

On June 30, 1942, the defendant entered a plea of nolo contendere; and on July 17, 1942, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.

**3810. Adulteration of candy. U. S. v. Brecht Candy Co. Plea of nolo contendere. Fines totaling \$175.** (F. D. C. No. 6413. Sample Nos. 44775-E to 44777-E, incl., 44782-E, 44783-E, 44785-E, 44787-E, 44788-E, 44792-E, 44794-E to 44796-E, incl., 65023-E, 65030-E, 65033-E to 65039-E, incl., 65453-E to 65456-E, incl., 65603-E to 65605-E, incl.)

Examination showed that this product was contaminated with rodent hairs; and in some instances, rodent pellets, insect fragments, and other filth.

On March 18, 1942, the United States attorney for the District of Colorado filed an information against the Brecht Candy Co., a corporation at Denver, Colo., alleging shipment on or about April 24, 25, 28, and 29, 1941, from the State of Colorado into the States of Wyoming, Kansas, Nebraska, and New Mexico, 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: "Cherry Caramel Chocolate"; Brecht's Real Fruits and Nuts Candy Bar"; "Cashew Chocolate Cake"; "Brecht's Orange Flavor [or "Chocolate"] Divinity"; "Mint Grandma Sticks"; "Candy Fruit Tablets"; "Brecht's Fudge"; "Handee Assorted Candies"; "Brecht's Banquet Candy Wafers"; "Cinnamon Candy Balls"; "Candy Orange Slices"; "Candy Cherries"; "Druggists Horehound Tablets"; "Scotch Ice"; "Airway Chocolates Imitation Vanilla [or "Orange," "Peppermint" or "Imitation Maple"] Cremes"; "Juicy Lemon Drops"; "Candy Black Crows"; "Butterscotch Buttons"; Airway Chocolate Chips"; "Rainbow Coconut Squares"; or "Candy Starbeams [or "Pickaninnies"]."

On April 16, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25 on each count, totaling \$175.

**3811. Adulteration of marshmallows. U. S. v. James Doumak (Doumak's Marshmallow Co.). Plea of guilty. Fine, \$200. Defendant placed on probation for 1 year.** (F. D. C. No. 7199. Sample Nos. 53529-E, 53530-E, 60439-E, 60824-E, 60825-E, 61349-E, 65752-E.)

Samples of this product were found to contain rodent hairs, insect fragments, and nondescript dirt.

On June 15, 1942, the United States attorney for the Southern District of California filed an information against James Doumak, trading as Doumak's Marshmallow Co. at Los Angeles, Calif., alleging shipment within the period from on or about April 25 to on or about July 31, 1941, from the State of California into the States of Utah, Oregon, and Washington of quantities of marshmallows that were adulterated in that they consisted in whole or in part of a filthy substance; and in that they had been prepared, packed, or held under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Mary Carolyn Marshmallows"; or "Snow White Marshmallows."

On July 20, 1942, the defendant entered a plea of guilty to all 5 counts of the information and the court imposed a fine of \$100 on each of the first 2 counts. Imposition of sentence was suspended on the last 3 counts and the defendant was placed on probation for 1 year, the suspension to become permanent in the event of no violation within that time.

**3812. Adulteration of candy. U. S. v. R. H. Hardesty Co., Inc. Plea of guilty. Fine, \$100.** (F. D. C. No. 7191. Sample Nos. 48627-E, 50726-E to 50728-E, incl., 50733-E, 50735-E, 59053-E, 59054-E.)

Rodent hairs and miscellaneous insect fragments were found in samples taken from these candies.

On June 18, 1942, the United States attorney for the Eastern District of Virginia filed an information against R. H. Hardesty Co., Inc., Richmond, Va., alleging shipment within the period from on or about July 26, 1940, to on or about September 12, 1941, from the State of Virginia into the States of South Carolina, North Carolina, and the District of Columbia of quantities of candy