

LABEL, IN PART: "El-Peeco Licorice Specialties."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6650. Adulteration of candy. U. S. v. 54 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 11953. Sample No. 66055-F.)

LIBEL FILED: March 2, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 27, 1944, by the Eatsum Food Products Co., from Boston, Mass.

PRODUCT: 54 cartons, each containing 24 1½-ounce packages, of candy at Brooklyn, N. Y.

LABEL, IN PART: (Packages) "Eatsum Rugged Candy Nuggets."

VIOLATION CHARGED: Adulteration, Section 402 (d), the article was confectionery and it contained a non-nutritive substance, mineral oil.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6651. Adulteration of chocolate-coated raisins and peanuts. U. S. v. 10 Cartons of Raisins and 64 Cartons of Chocolate Coated Peanuts. Decree of destruction. (F. D. C. No. 12992. Sample Nos. 75531-F, 75532-F.)

LIBEL FILED: July 20, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 21, 1943, and March 21, 1944, by the National Peanut Corp., from Suffolk, Va.

PRODUCT: 10 cartons of chocolate-coated raisins and 64 cartons of chocolate-coated peanuts at Pittsburgh, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, cast skins, and insect fragments.

DISPOSITION: July 25, 1944. The consignee having consented to the entry of a decree, judgment was entered ordering the destruction of the product.

6652. Adulteration of peanut candy bars. U. S. v. 82 Boxes of Peanut Candy Bars. Default decree of destruction. (F. D. C. No. 10690. Sample No. 47808-F.)

LIBEL FILED: On or about September 11, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 8, 1943, by the Novelty Peanut Co., from Dallas, Tex.

PRODUCT: 82 boxes, each containing 16 1-ounce peanut candy bars, at Joplin, Mo.

LABEL, IN PART: (Bar) "White Caps."

VIOLATIONS CHARGED: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and hairs, and insects and insect fragments; and, Section 402(a)(4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment was entered ordering that the product be destroyed.

6653. Adulteration and misbranding of candy. U. S. v. 12 Boxes, 12 Boxes, and 5 Cases of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 12255, 12279. Sample Nos. 28855-F, 63233-F, 63234-F.)

LIBELS FILED: April 27 and 28, 1944, Southern District of Florida, Western District of North Carolina.

ALLEGED SHIPMENT: On or about March 31 and April 7, 1944, by the Tom Huston Peanut Co., from Columbus, Ga.

PRODUCT: 5 cases, each containing 12 cartons, of candy bars at Jacksonville, Fla., and 24 boxes of candy bars at Charlotte, N. C.

These products contained mineral oil. A portion of the nut caramel bars contained undeclared cereal.

LABEL, IN PART: (Bar wrapper) "Tom's Full Dinner [or "Nut Caramel"]."

VIOLATIONS CHARGED: Adulteration, Section 402(b)(1), a valuable constituent, vegetable oil, had been in part omitted; Section 402(b)(2), mineral oil had been substituted in part for vegetable oil; Section 402(b)(4), a substance, mineral oil, having no food value, had been added to the articles or packed with them so as to reduce their quality; Section 402(d), the articles were confectionery and they contained a non-nutritive substance, mineral oil; and, Section 402(b)(2), (portion of nut caramel bars only) cereal had been substituted in part for peanuts.

Misbranding, Section 403(a) the statements on the labels, (Full Dinner Bar) "Sugar, Glucose, Chocolate, Rice Flakes, Peanuts, Powdered Skim Milk, Vegetable Oil, Egg Albumen, Salt, Artificial Flavor," and (nut caramel bar) "Candy contains sugar, peanuts, corn syrup, powdered milk, vegetable oil, salt, artificial flavor," were false and misleading as applied to the article, which contained mineral oil. Further misbranding (portion of nut caramel bar only), Section 403(a), the name of the article, "Nut Caramel," in conjunction with the designation "Peanuts" in the ingredient list, was misleading since it suggested and implied that peanuts constituted the sole filling ingredient; and, Section 403(i)(2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since cereal was not declared.

DISPOSITION: June 7 and 16, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6654. Misbranding of candy kisses. U. S. v. 200 Boxes of Candy Kisses. Default decree of condemnation and destruction. (F. D. C. No. 11207. Sample No. 61064-F.)

LIBEL FILED: November 30, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 15, 1943, by the Ervan Guttman Co., from Cincinnati, Ohio

PRODUCT: 200 boxes of candy kisses at New Orleans, La.

The average net weight of the article was 2.20 ounces. The candy kisses occupied, on the average, only 62 percent of the volume of the box.

LABEL, IN PART: (Box) "Mary, Mary, Quite Contrary How Does Your Garden Grow? * * * [or "A Dillar, A Dollar, A Ten O'Clock Scholar * * *"] 3 oz. Net Weight."

VIOLATIONS CHARGED: Misbranding, Section 403(a), the statement "3 oz. Net Weight" was false and misleading as applied to the article, which was short weight; Section 403(d), the container was so filled as to be misleading; and, Section 403(e)(2), it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6655. Misbranding of candy. U. S. v. 77 Cartons of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12110. Sample No. 28854-F.)

LIBEL FILED: On or about April 1, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 13, 1944, by the Hodges Candy Co., from Milledgeville, Ga.

PRODUCT: 77 cartons, each containing 24 bars, of candy at Jacksonville, Fla.

LABEL IN PART: (Bar wrapper) "Cocoanut Roll Candy."

VIOLATION CHARGED: Misbranding, Section 403(a), the name "Cocoanut Roll" was false and misleading as applied to the article, which contained no coconut.

DISPOSITION: April 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions.

CHOCOLATE AND COCOA PRODUCTS

6656. Adulteration of chocolate products and shelled peanuts. U. S. v. 10 Bags of Cocoa Butter, 2 Bags of Chocolate Liquor, 372 Bales of Chocolate Coating and 180 Bags of Shelled Peanuts. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 12136. Sample Nos. 40101-F to 40106-F, incl.)

LIBEL FILED: April 7, 1944, Northern District of Iowa.

ALLEGED SHIPMENT: From on or about March 31, 1942, to February 19, 1944, from Mt. Joy and Elizabethtown, Pa., Chicago, Ill., and Roxobel, N. C.