

**LABEL, IN PART:** "Sweet Chocolate Peanut Clusters."

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

**DISPOSITION:** February 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7763. Adulteration of chocolates. U. S. v. 120 Boxes of Chocolates. Default decree of condemnation and destruction. (F. D. C. No. 14853. Sample No. 88801-F.)**

**LABEL FILED:** December 26, 1944, District of New Hampshire.

**ALLEGED SHIPMENT:** On or about November 29, 1944, by the Liberty Chocolate Co., from Boston, Mass.

**PRODUCT:** 120 1-pound boxes of assorted chocolates, at Nashua, N. H.

**LABEL, IN PART:** "Sue Perkins Assorted Chocolates."

**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 hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7764. Adulteration and misbranding of candy. U. S. v. 76 Chests of Candy. Default decree of condemnation and destruction. (F. D. C. No. 15094. Sample No. 9485-H.)**

**LABEL FILED:** January 25, 1945, Western District of New York.

**ALLEGED SHIPMENT:** On or about May 5, 1944, by the Paul X. Bergin Co., from Providence, R. I.

**PRODUCT:** 76 chests, each containing 1½ pounds, of candy, at Buffalo, N. Y. The article was packed in a chest made of wood with a hinged lid. Inside the chest was a cardboard 1-pound candy box containing two layers of candy separated by a sheet of cardboard. The top layer contained 16 pieces of candy while the bottom layer, which contained a "W"-shaped supporting cardboard strip, contained only 8 pieces of candy.

**LABEL, IN PART:** (Top of chest) "Mary Taylor Chocolates"; (bottom of chest) "Mary Taylor Novelty Chest of Assorted Sweets \* \* \* Packed by Mary Taylor Chocolate Company, Providence, Rhode Island."

**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 larvae, insect excreta, and webbing.

Misbranding, Section 403 (a), the label statement, "Chocolates," was false and misleading since the article contained nougats as well as chocolates; Section 403 (d), the container was so filled as to be misleading since the bottom layer of the cardboard box could have accommodated approximately 6 more pieces of candy; and, Section 403 (f), the statement of the quantity of contents, required by law to appear on the label, was not properly placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since it appeared on the bottom of the chest and also inside the chest on the top and side of the cardboard box.

**DISPOSITION:** February 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. The wooden chests were salvaged.

**7765. Adulteration and misbranding of cereal confection. U. S. v. 361 Cases of Caramel Coated Wheat. Default decree of condemnation. Product ordered delivered to the United Service Organizations, or destroyed. (F. D. C. No. 13707. Sample No. 70700-F.)**

**LABEL FILED:** September 21, 1944, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 8, 1944, by Confections, Inc., from Chicago, Ill.

**PRODUCT:** 361 cases, each containing 24 4-ounce cellophane bags, of caramel-coated wheat at Seattle, Wash.