

8346. Adulteration of candy. U. S. v. 49 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 14884. Sample No. 34979-F.)

LIBEL FILED: January 2, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 6, 1944, by the Morgan Candy Manufacturing Co., from Hickory, N. C.

PRODUCT: 49 cartons, each containing 24 bars, of candy at Atlanta, Ga.

LABEL, IN PART: "Tropic Bar."

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

DISPOSITION: April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8347. Misbranding of candy. U. S. v. 143 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 14962. Sample No. 73280-F.)

LIBEL FILED: January 5, 1945; amended March 27, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about October 18, 1944, by the McPhail Chocolates Co., from Atlanta, Ga.

PRODUCT: 143 boxes of candy at San Francisco, Calif. These boxes had diagonal dividers which hindered filling them to capacity. They also contained less than the declared weight.

LABEL, IN PART: "Russell McPhail Chocolate Pecan Delights Half Pound Net."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading, since the candy did not occupy the full capacity of the box; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8348. Misbranding of chocolate bars. U. S. v. 13 Cases of Chocolate Bars. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14910. Sample No. 94213-F.)

LIBEL FILED: January 12, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 15, 1944, by the Bachman Chocolate Mfg. Co., Mt. Joy, Pa.

PRODUCT: 13 cases, each containing 12 boxes, of 24 1 $\frac{3}{8}$ -ounce chocolate bars at New York, N. Y. Examination showed that the article consisted of sweet milk chocolate. The product contained approximately 45 percent sugars, of which only about $\frac{1}{3}$ was dextrose. The bar was made in the form of a block, with a hollow depression in the top, and it was wrapped in an opaque wrapper which served to conceal the depression.

LABEL, IN PART: (Bars) "Athlete 5¢ Sweet Milk Chocolate Bar."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the following statements which appeared in the label were false and misleading, since the article's total sugar content was only approximately one-third dextrose: "Rich in Pure Dextrose ('Muscle' Sugar) * * * The Value of Dextrose to Active People * * * Doctors call Dextrose 'muscle sugar'. Many athletes are given Dextrose before, during and after contests. Dextrose sugar is also prescribed for new-born babies, for growing children, for active men and women. Athlete Bar * * * provides an abundance of Dextrose to help fight fatigue and to build up a reserve supply of food energy * * * rich in pure Dextrose sugar"; and, Section 403 (d), the container was so made, formed, and filled as to be misleading, since the container, the opaque wrapper, concealed the deep depression in the chocolate bar.

DISPOSITION: February 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8349. Misbranding of candy. U. S. v. 20 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14651. Sample No. 93642-F.)

LIBEL FILED: December 15, 1944, District of New Jersey.