

9685. Adulteration of candy. U. S. v. 36 Cartons and 48 Cartons and 3 Cases of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution, for use other than human consumption. (F. D. C. No. 16947. Sample Nos. 23858-H to 23860-H, incl.)

LIBEL FILED: On or about August 1, 1945, Northern District of Texas.

ALLEGED SHIPMENT: On or about June 19, 1945, by the Brock Candy Co., Chattanooga, Tenn.

PRODUCT: 84 cartons and 3 cases of candy at Dallas, Tex.

LABEL, IN PART: "Century Crisp Peanut Butter Filled Candy," "Crystal Jelly Drops," or "Assorted Jellies."

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

DISPOSITION: September 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On September 14, 1945, an amended decree was entered ordering the product delivered to a charitable institution, to be used for purposes other than human consumption.

9686. Adulteration of candy. U. S. v. 274 Cases of Candy. Default decree of condemnation. Product ordered sold. (F. D. C. No. 16981. Sample No. 22982-H.)

LIBEL FILED: August 4, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 22 and 28, 1945, by Re LeCandy, Inc., from New York, N. Y.

PRODUCT: 274 cases of candy at Memphis, Tenn.

LABEL, IN PART: "Product of Cuba 40 Libras Nettas Caramelos Finos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insect fragments, and nondescript dirt.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured under the supervision of the Federal Security Agency and used for purposes other than human consumption.

9687. Adulteration and misbranding of candy bars. U. S. v. 160 Boxes of Koko-Nut Candy Bars, 168 Boxes of Strawberry Candy Bars, and 160 Boxes of Pineapple Candy Bars. Consent decree of condemnation. Products ordered released under bond; subsequently destroyed. (F. D. C. No. 16686. Sample Nos. 273-H to 275-H, incl.)

LIBEL FILED: July 6, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 13, 1945, by the Holshouser Candy Co., from Charlotte, N. C.

PRODUCT: 488 boxes each containing 30 1½-ounce candy bars at Canton, Ohio. These products were artificially colored candies containing no coconut, strawberry, or pineapple, the purported characterizing ingredients. The fraction "½" in the statement of the quantity of the contents was practically illegible.

LABEL, IN PART: "Holshouser's Koko-Nut [or "Strawberry," or "Pineapple"] Candy Bar [design of coconut tree, strawberries, and pineapple, respectively] * * * Ingredients * * * Maize"; (Pineapple bar) "Crushed Fruits."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), coconut, strawberry, and pineapple had been in whole or in part omitted from the articles; and, Section 402 (b) (4), corn flakes had been added to the "Koko-Nut" bar and mixed and packed with it so as to make it appear better or of greater value than it was, since the corn flakes had the appearance of coconut.

Misbranding, Section 403 (a), the names, "Koko-Nut" and the design of a coconut tree, "Strawberry" and the design of strawberries, and "Pineapple" and the design of a pineapple, were false and misleading; Section 403 (f), the statement of the quantity of the contents, which the law requires to appear

on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (i) (2), the labels failed to bear the common or usual name of each ingredient, since the name "Maize" is not the common or usual name for the ingredient, corn flakes, and (pine-apple bar only) "Crushed Fruits" is not the common or usual name for the small amount of raisins and orange peel present in the candy bar.

DISPOSITION: August 18, 1945. The Holshouser Candy Co., claimant, having admitted the facts alleged in the libel, judgment of condemnation was entered and the products were released under bond. It was ordered that the "Koko-Nut" bar be reworked so that it would not have the appearance of a coconut product, and that the remainder of the products be relabeled under the supervision of the Food and Drug Administration. The decree provided further that should it be found impossible to bring the products into compliance with the law, they were to be destroyed. The entire lot of the candy was subsequently destroyed.

9688. Misbranding of candy. U. S. v. 2,796 Boxes of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 16452. Sample No. 33643-H.)

LABEL FILED: June 21, 1945, Western District of Oklahoma.

ALLEGED SHIPMENT: Between the approximate dates of November 21, 1944, and January 18, 1945, by Milo O. Frank, from Los Angeles, Calif.

PRODUCT: 2,796 5-ounce boxes of candy at Oklahoma City, Okla. Examination showed that the boxes contained irregular pieces of candy, which resulted in an excessive amount of unfilled space in the box.

LABEL, IN PART: "Spanish Nut Toffee * * * California Fruit Chimes Co. * * * San Gabriel, Calif."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since there was an excessive amount of unfilled space in the box, and thus the box appeared to hold more candy than was actually present.

DISPOSITION: August 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

9689. Misbranding of gift packages. U. S. v. 64 Gift Packages (and 2 other seizure actions against gift packages). Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to charitable institutions. (F. D. C. Nos. 17092, 17502, 17993. Sample Nos. 4257-H, 24751-H, 26195-H.)

LIBELS FILED: August 6, September 27, and October 25, 1945, Eastern District of Pennsylvania, Eastern District of Louisiana, and Northern District of Texas.

ALLEGED SHIPMENT: On or about July 18 and 20, 1945, by the Carleton Hall Co., from Providence, R. I.

PRODUCT: Gift packages. 64 at Philadelphia, Pa., 44 at New Orleans, La., and 10 at Lubbock, Tex. The gift packages consisted of wooden boxes containing candy and cookies in paper cups and a cellophane-wrapped piece of fruit cake. The boxes contained an excessive amount of paper and appeared to hold more candy and cookies than were actually present. The cookies in all the lots and the candy and cake in the New Orleans and Lubbock lots were short-weight.

LABEL, IN PART: (Outside label, portion of boxes) "Carleton Hall Company 'Pot Luck' Gift Package"; (Inside label, all boxes) "Fruit Cake—Candy—Cookies * * * Weights: Candy 24 Oz.—Cookies 18 Oz.—Fruit Cake 4 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since it appeared to hold more candy and cookies than were actually present; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 18, November 13, and December 17, 1945. No claimant having appeared, judgments of condemnation were entered and the Philadelphia and Lubbock lots were ordered delivered to charitable institutions, and the New Orleans lot was ordered destroyed.