

charged that on or before December 3, 1943, and until May 12, 1945, the defendants had been and were manufacturing under insanitary conditions and shipping in interstate commerce candy which was adulterated and unfit for food.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the candy was adulterated and unfit for food in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments; and, Section 402 (a) (4), it had been manufactured and prepared under insanitary conditions whereby it may have become contaminated with filth, since the building in which the candy was manufactured was heavily infested with rodents.

**PRAYER OF COMPLAINT:** That the defendants be restrained and enjoined during the pendency of the action and permanently from shipping and causing to be shipped in interstate commerce adulterated candy which had been manufactured or would be manufactured in the future by the defendants.

**DISPOSITION:** On May 25, 1945, the hearing on the petition for preliminary injunction was set ahead by stipulation entered into between counsel for the Government and the defendants. On June 4, 1945, an answer was filed alleging that Neil M. Morgan was in the armed forces of the United States stationed in the South Pacific, and denying that the court had jurisdiction over him. On June 11, 1945, Mrs. Neil M. Morgan, acting as plant manager and partner of the Morgan Candy Manufacturing Co., having consented to the entry of a decree, an injunction was granted restraining her and all representatives of the company from shipping in interstate commerce adulterated candy which had been manufactured or would be manufactured in the future by the Morgan Candy Manufacturing Co.

**10095. Adulteration of candy. U. S. v. 567 Cases of Candy (and 5 other seizure actions against candy). Decrees of condemnation and destruction. Portion of product ordered sold; remainder ordered destroyed or converted into animal feed.** (F. D. C. Nos. 17060, 17457, 17490, 17491, 17581, 17697. Sample Nos. 3235-H, 16004-H, 19705-H, 19706-H, 22195-H, 23882-H, 29926-H.)

**LIBELS FILED:** Between the dates of September 18 and October 5, 1945, District of Minnesota, District of Maryland, Northern District of California, Eastern District of Missouri, Northern District of Texas, and Northern District of Illinois.

**ALLEGED SHIPMENT:** Between the approximate dates of July 2 and July 18, 1945, by the Standard Candy Co., from Philadelphia, Pa.

**PRODUCT:** 567 cases, 522 cases, 682 cases, and 785 cases, each containing 15 boxes of 24 candy bars, and 4,629 boxes and 7,715 boxes, each containing 24 candy bars, at San Francisco, Calif., Minneapolis, Minn., Baltimore, Md., Dallas, Tex., St. Louis, Mo., and Chicago, Ill., respectively.

**LABEL, IN PART:** "Ko-Kets Original Coconut Flavored Confection."

**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 weevils, beetles, moths, larvae, insect fragments, insect excreta, webbing, and rodent hair fragments.

**DISPOSITION:** Between October 15 and December 14, 1945. The sole intervener for the Chicago lot having consented to the entry of a decree, and no claimant having appeared for the other lots, judgments of condemnation were entered. The St. Louis lot was ordered sold to be denatured for nonhuman consumption; the Baltimore and Dallas lots were ordered delivered to charitable institutions, for use as animal feed; the Minneapolis lot was ordered converted into animal feed or destroyed; and the Chicago and San Francisco lots were ordered destroyed.

**10096. Adulteration of candy. U. S. v. 397 Cases of Candy. Consent decree of condemnation. Product ordered destroyed.** (F. D. C. No. 17403. Sample Nos. 36368-H to 36370-H, incl.)

**LIBEL FILED:** On or about September 11, 1945, District of Oregon.

**ALLEGED SHIPMENT:** On or about May 4, 1945, by the Leading Candy Co., from New York, N. Y.

**PRODUCT:** 397 cases each containing 20 boxes of 24 candy bars each at Portland, Oreg.

**LABEL, IN PART:** "Chocolate Covered Leda [or "Peanut"] Bar," or "Surprise Colonel Chocolate Covered."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and fermented candy.

**DISPOSITION:** October 4, 1945. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**10097. Adulteration of candy. U. S. v. 365 Cartons of Candy. Default decree of destruction.** (F. D. C. No. 17415. Sample No. 20295-H.)

**LABEL FILED:** On or about September 25, 1945, Western District of Missouri.

**ALLEGED SHIPMENT:** Between the approximate dates of June 8 and 29, 1945, by the Comet Candy Co., from Brooklyn, N. Y.

**PRODUCT:** 365 cartons, each containing 24 bars, of candy at Kansas City, Mo.

**LABEL, IN PART:** "Comet Pick Up Net Wt. 1¼ Oz. 5¢."

**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 larvae.

**DISPOSITION:** October 17, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

**10098. Adulteration of candy. U. S. v. 35 Cartons of Candy (and 7 other seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 17177 to 17179, incl., 17182 to 17186, incl. Sample Nos. 18780-H to 18782-H, incl., 19405-H, 19406-H, 19408-H, 19409-H, 19411-H, 19412-H, 21653-H, 22716-H to 22718-H, incl.)

**LABELS FILED:** Between August 22 and 27, 1945, District of Minnesota and Eastern and Western Districts of Missouri.

**ALLEGED SHIPMENT:** Between the approximate dates of July 21 and August 2, 1945, by the Hollywood Candy Co., from Centralia, Ill.

**PRODUCT:** 340 cartons each containing 24 candy bars at Minneapolis, Minn.; 204 cartons each containing 24 candy bars at St. Louis, Mo.; and 88 boxes each containing 150 candy bars at Kansas City, Mo.

**LABEL, IN PART:** "Hollywood's Butter-Nut Milk Chocolate," "Hollywood's Magic 5¢ Candy Bar," "Pay Day Candy Bar," or "Hollywood Milk Chocolate."

**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 larvae, larvae fragments, insect fragments, rodent hairs, and rodent hair fragments.

**DISPOSITION:** Between September 19 and October 17, 1945. No claimant having appeared, judgments were entered ordering that the St. Louis lot be condemned and destroyed; that the Kansas City lot be destroyed; and that the Minneapolis lots be destroyed unless properly reprocessed for animal feed, under the supervision of the Food and Drug Administration.

**10099. Adulteration of candy. U. S. v. 63 Rolls of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 17297. Sample No. 2918-H.)

**LABEL FILED:** August 22, 1945, District of Maryland.

**ALLEGED SHIPMENT:** On or about April 26, 1945, by Joe Franklin Myers Industries, from Dallas, Tex.

**PRODUCT:** 63 9-ounce rolls of pecan candy at Baltimore, Md.

**LABEL, IN PART:** "Log Cabin Roll."

**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 larvae, insect excreta, and webbing.

**DISPOSITION:** September 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10100. Adulteration of candy. U. S. v. 536 Cases of Peanut Brittle. Consent decree of condemnation and destruction.** (F. D. C. No. 17428. Sample No. 36381-H.)

**LABEL FILED:** September 12, 1945, District of Oregon.