

10744. Adulteration of candy. U. S. v. 9 Boxes, etc. (F. D. C. No. 19149. Sample No. 46810-H.)

LIBEL FILED: February 20, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about January 3, 1946, by Gimbal Brothers, from San Francisco, Calif.

PRODUCT: 10 5-pound boxes and 36 pounds of candy.

LABEL, IN PART: "Gimbal's Lacom Paste," or "Gimbal's Society Dips."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, wood splinters.

DISPOSITION: April 15, 1946. Gimbal Brothers having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10745. Adulteration of candy. U. S. v. 25 Boxes * * * (F. D. C. No. 18923. Sample No. 56214-H.)

LIBEL FILED: On or about February 15, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about December 5, 1945, by George B. Keith and Son, from Tulsa, Okla.

PRODUCT: 25 boxes, each containing 18 cellophane-wrapped sticks, of candy at Pittsburg, Kans.

LABEL, IN PART: "Stick Candy Net Wt. 1 oz. or over Carmelita Candy Co. Tulsa - Okla. City."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10746. Adulteration of candy. U. S. v. 8 Cartons * * * (F. D. C. No. 19131. Sample No. 35279-H.)

LIBEL FILED: February 11, 1946, Western District of Arkansas.

ALLEGED SHIPMENT: On or about November 13, 1945, by the Woody Canúy Co., from Oklahoma City, Okla.

PRODUCT: 8 36-pound cartons of candy at Hot Springs, Ark.

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

DISPOSITION: March 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10747. Adulteration of candy. U. S. v. 7 Cartons * * * (F. D. C. No. 18584. Sample No. 52616-H.)

LIBEL FILED: December 21, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 19, 1945, by the Runkle Co., from Kenton, Ohio.

PRODUCT: 7 cartons, each containing 3 boxes of about 14 pounds each, of candy at Bloomington, Ind.

LABEL, IN PART: "Margo Chocolates Caramel."

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

DISPOSITION: May 13, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10748. Misbranding of candy. U. S. v. 75 Boxes * * * (F. D. C. No. 17997. Sample No. 36920-H.)

LIBEL FILED: October 18, 1945; amended libel filed October 23, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about July 27, 1945, by the Chicago Candy Association, from Chicago, Ill.

PRODUCT: 75 boxes, each containing 72 cartons, of candy at Seattle, Wash. The product consisted of ground peanuts in a taffy-like base.

LABEL, IN PART: "Peanets, Sugar Roasted Peanuts."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Peanets, Sugar Roasted Peanuts" was misleading since the product did not consist of sugar roasted peanuts; and, Section 403 (d), the container was so filled as to be misleading since the package could hold several additional pieces of candy.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal hospital.

10749. Misbranding of candy. U. S. v. 19 Boxes, etc. (F. D. C. No. 19171. Sample Nos. 9115-H, 9116-H.)

LIBEL FILED: February 7, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about January 9, 1946, by Kopper's Chocolate Specialty Co., from New York, N. Y.

PRODUCT: 19 boxes and 22 boxes of candy at Plainfield, N. J. Examination showed that the product was short-weight.

LABEL, IN PART: "Kopper's Mocha Melba Net Weight ½ Lb.," or "Kopper's Selected Chocolates Net Weight One Pound."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear labels containing accurate statements of the quantity of the contents, since the boxes contained less than the declared weight.

DISPOSITION: April 29, 1946. Kopper's Chocolate Specialty Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked to full weight under the supervision of the Food and Drug Administration.

10750. Misbranding of candy. U. S. v. 20 Cases * * *. (F. D. C. No. 18652. Sample Nos. 30037-H, 30038-H.)

LIBEL FILED: December 21, 1945, Territory of Hawaii.

ALLEGED SHIPMENT: On or about November 7, 1945, by Kessler Bros., from San Francisco, Calif.

PRODUCT: 10 cases, each containing 24 20-ounce boxes, and 10 cases, each containing 42 10-ounce boxes, of candy at Honolulu, T. H. Examination showed that the product was short-weight.

LABEL, IN PART: "Sweet Treet Fresh from the House of Hansel and Gretel Net Weight 20 [or "10"] ounces."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 19, 1946. Default decree of condemnation. Product ordered delivered to public institutions.

10751. Misbranding of candy and adulteration of marshmallow whip. U. S. v. California Fruit Chimes Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 17775. Sample Nos. 72000-F, 27334-H.)

INFORMATION FILED: March 25, 1946, Southern District of California, against the California Fruit Chimes Co., a partnership, San Gabriel, Calif.

ALLEGED SHIPMENT: On or about September 21, 1944, and February 19, 1945, from the State of California into the States of Oregon and Washington.

LABEL, IN PART: "Spanish Nut Toffee," or "Mission Chimes Marshmallow Whip."

NATURE OF CHARGE: Spanish nut toffee, misbranding, Section 403 (d), the container of the product was so filled as to be misleading since the boxes were filled to not more than 51.7 percent of their capacity.

Marshmallow whip, adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly fragments, insect fragments, and a cat hair.

DISPOSITION: May 27, 1946. A plea of nolo contendere having been entered, the defendant was fined \$500.