

business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient, required by law to appear on the label, were not prominently placed on the label with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they were printed on the bottom of the packages; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

**DISPOSITION:** May 13 and June 4, 1946. No claimant having appeared, judgments of condemnation were entered. The New Orleans lot was ordered destroyed, and the Los Angeles lot was ordered delivered to a charitable institution.

**10946. Misbranding of candy. U. S. v. 40 Cartons \* \* \*. (F. D. C. No. 19330. Sample No. 3691-H.)**

**LIBEL FILED:** March 8, 1946, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 19, 1946, by John F. Birkmeyer and Sons, from Baltimore, Md.

**PRODUCT:** 40 cartons, each containing 24 2-ounce boxes, of candy at York, Pa. Examination showed that the product consisted of small pieces of candy packed on shredded paper which occupied approximately one-half of the box.

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since approximately half of the box was filled with shredded paper.

**DISPOSITION:** May 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**10947. Misbranding of candy. U. S. v. 10 Dozen Baskets \* \* \*. (F. D. C. No. 19270. Sample No. 29200-H.)**

**LIBEL FILED:** March 5, 1946, Northern District of California.

**ALLEGED SHIPMENT:** On or about January 12, 1946, by Erman-Bach, from New York, N. Y.

**PRODUCT:** 10 dozen baskets of candy at Oakland, Calif. The baskets were padded with crushed paper. They were large enough to hold at least two layers of candy and gave the appearance of holding that amount, but they were so packed that all of the confectionery was visible. The bottom of each basket bore a stamp purporting to set forth the mandatory information called for by the law.

**LABEL, IN PART:** (Stamped on bottom of basket) "Marzipan Candy Net Wt. 4 Oz. Ingredients: Almond & Macaroon Paste, Sugar, Corn Syrup, Conf. Glace, Softening Material, U. S. Certified Food Colors."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the basket was large enough to hold two layers of candy, whereas about half of the basket was padded with crushed paper; Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient, required by law to appear on the label, were not prominently placed thereon with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient, since "Conf. Glace" and "Softening Material" are not common or usual names of ingredients.

**DISPOSITION:** April 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10948. Adulteration and misbranding of popcorn confection. U. S. v. 38 Boxes \* \* \*. (F. D. C. No. 19219. Sample No. 1080-H.)**

**LIBEL FILED:** February 19, 1946, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about October 26, 1945, by the Almonette Candy Co., from Lynn, Mass.

**PRODUCT:** 38 boxes, each containing 60 ¾-ounce bars, of popcorn confection at Murphy, N. C.

**LABEL, IN PART:** "Tasty Crunchy Delicious Molasses, Peanut Cornette."  
**NATURE OF CHARGE:** Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

Misbranding, Section 403 (a), the prominent words "Molasses, Peanut," which preceded the name "Cornette" on the label, were misleading in that they implied that the product consisted chiefly of molasses and peanuts. The product consisted chiefly of popcorn, corn sirup, and sugar.

**DISPOSITION:** March 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CHOCOLATE AND COCOA PRODUCTS

**10949. Adulteration of chocolate. U. S. v. 70 Cases \* \* \*. (F. D. C. No. 19094. Sample No. 14463-H.)**

**LIBEL FILED:** February 7, 1946, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 11, 1945, by the Idis Chocolate Co., from Brooklyn, N. Y.

**PRODUCT:** 70 cases, each containing 10 bars, of chocolate at Cleveland, Ohio.

**LABEL, IN PART:** "Net Weight Ten Pounds Chocolate and Cocoa Manufactured by J. Nadal Aciego Ciudad Trujillo, R. D. For: Ernest Adler Co. New York City Contents: Cocoa Beans & Cocoa Butter."

**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 fragments, and rodent hair fragments.

**DISPOSITION:** March 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10950. Adulteration of chocolate coating. U. S. v. 63 Bales, etc. (F. D. C. No. 19309. Sample Nos. 12857-H, 12860-H, 53101-H.)**

**LIBEL FILED:** March 11, 1946, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 10 and 14, 1945, and February 1, 1946, by the Overland Candy Corp., Chicago, Ill.

**PRODUCT:** 158 bales, each containing 20 10-pound slabs, of chocolate coating at Washington Court House, Ohio.

**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 larvae, beetles, and insect parts.

**DISPOSITION:** April 25, 1946. Washington Court House Candy Co., Washington Court House, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law by elimination of the unfit material, under the supervision of the Food and Drug Administration.

**10951. Adulteration of chocolate coating. U. S. v. 30 Bales \* \* \*. (F. D. C. No. 19311. Sample No. 12859-H.)**

**LIBEL FILED:** March 11, 1946, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 5, 1945, by the General Food Sales Co., Milton, Mass.

**PRODUCT:** 30 bales, each containing 20 10-pound slabs, of chocolate coating at Washington Court House, Ohio.

**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 larvae, beetles, and insect parts.

**DISPOSITION:** April 25, 1946. Washington Court House Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.