

**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:** October 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**11557. Misbranding of candy. U. S. v. 61 Cases, etc.** (F. D. C. No. 20909. Sample No. 61437-H.)

**LABEL FILED:** September 24, 1946, Western District of Washington.

**ALLEGED SHIPMENT:** On or about April 10, 1946, by New Orleans Confections, Inc., from Chicago, Ill.

**PRODUCT:** Candy. 61 cases, each containing 36 1-pound boxes, and 22 1-pound boxes at Seattle, Wash.

**LABEL, IN PART:** "New Orleans Confections."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "New Orleans Confections" was misleading since the product was manufactured in Chicago, Ill.; Section 403 (d), the container was so filled as to be misleading since the package could hold much more candy than was actually present (much of the space in the box was taken up by false liners); and, 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 were not prominently placed on the label with the conspicuousness required by law, since the information appeared on a small side panel, which was not easily seen as the product was held for sale.

**DISPOSITION:** September 15, 1947. New Orleans Confections, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking and relabeling under the supervision of the Food and Drug Administration.

**11558. Misbranding of candy. U. S. v. 12 Cases \* \* \*** (F. D. C. No. 20910. Sample No. 62717-H.)

**LABEL FILED:** September 24, 1946, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 7, 1946, by New Orleans Confections, Inc., from Chicago, Ill.

**PRODUCT:** 12 cases, each containing 36 1-pound boxes, of candy at San Francisco, Calif.

**LABEL, IN PART:** "New Orleans Confections."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "New Orleans Confections" was misleading since the product was manufactured in Chicago, Ill.; Section 403 (d), the container was so filled as to be misleading since the package could hold much more candy than was actually present (much of the space in the box was taken up by false liners); and, 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 were not prominently placed on the label with the conspicuousness required by law, since the information appeared on a small side panel, which was not easily seen as the product was held for sale.

**DISPOSITION:** October 24, 1946. Default decree of condemnation and destruction. On October 29, 1946, an amended decree was entered ordering the product delivered to a charitable institution.

#### CHOCOLATE

**11559. Adulteration of plain chocolate and milk chocolate. U. S. v. 10 Bales of Plain Chocolate (and 4 other seizure actions against milk chocolate).** (F. D. C. Nos. 21885, 21982 to 21985, incl. Sample Nos. 53920-H, 64968-H, 64969-H, 64971-H, 64972-H.)

**LABELS FILED:** December 23 and on or about December 26, 1946, Southern District of New York and Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 31 and November 14 and 18, 1946, by the Hooton Chocolate Co., from Newark, N. J.

**PRODUCT:** 10 200-pound bales of plain chocolate at Cleveland, Ohio, and 567 boxes, each containing 3 1-pound slabs, of milk chocolate at New York, N. Y.

**LABEL, IN PART:** "Hooton Chocolate," or "Sweet Milk Chocolate."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of (in the plain chocolate) insects and insect fragments and (in the milk chocolate) rodent hairs; and, Section 402 (a) (4), the milk chocolate had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 9 and 17, 1947. The Telling-Belle Vernon Co., Cleveland, Ohio, claimant for the lot of plain chocolate, having admitted the allegations of the libel, judgment of condemnation was entered. It was ordered that the product be released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. Thereupon, the product was scraped and cleaned in order to eliminate all filth.

No claimant having appeared for the milk chocolate, judgments of condemnation were entered and the product was ordered destroyed.

**11560. Adulteration of chocolate. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 21691. Sample No. 40934-H.)**

**LIBEL FILED:** November 6, 1946, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 2, 1946, from Brooklyn, N. Y.

**PRODUCT:** 10 bags, each containing 20 10-pound bars, of chocolate at St. Louis, Mo.

**LABEL, IN PART:** "Chocolate Liquor."

**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:** December 10, 1946. Default decree of condemnation. Product ordered sold, conditioned that it be denatured for use other than human consumption.

#### SUGAR

**11561. Adulteration of sugar. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 20758. Sample No. 65602-H.)**

**LIBEL FILED:** On or about September 3, 1946, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 8, 1946, by the Monmouth Packing Co., from Long Island City, N. Y.

**PRODUCT:** 100 100-pound bags of sugar at Vineland, N. J.

**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 dirt.

**DISPOSITION:** October 4, 1946. Colony Foods, Vineland, N. J., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for conversion into distilled spirits, under the supervision of the Food and Drug Administration.

**11562. Adulteration of sugar. U. S. v. 23 Bags \* \* \*. (F. D. C. No. 20916. Sample No. 50894-H.)**

**LIBEL FILED:** September 24, 1946, District of Minnesota.

**ALLEGED SHIPMENT:** On or about December 17, 1945, from Fort Morgan, Colo.

**PRODUCT:** 23 100-pound bags of sugar at St. Paul, Minn., in possession of the Central Warehouse Co. The product was stored under insanitary conditions after shipment, and examination showed that it contained rodent excreta and urine.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 7, 1947. The Great Western Sugar Co., Denver, Colo., 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 denatured and sold for purposes other than human consumption, under the supervision of the Federal Security Agency.