

**DISPOSITION:** September 17, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**12459. Adulteration of chocolate candy. U. S. v. George Kon (Kay Candy Manufacturers).** Plea of guilty. Fine, \$20. (F. D. C. No. 23605. Sample Nos. 91225-H, 91226-H.)

**INFORMATION FILED:** November 5, 1947, District of New Jersey, against George Kon, trading as Kay Candy Manufacturers, at Newark, N. J.

**ALLEGED SHIPMENT:** On or about March 30 and April 1, 1947, from the State of New Jersey into the State of New York.

**LABEL, IN PART:** (Portion) "Barton's bonbonniere."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rat or mouse hairs, and miscellaneous dirt such as metal fragments, wood splinters, paint fragments, and nondescript material; and, Section 402 (a) (4), it was prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 14, 1948. A plea of guilty having been entered by the defendant, the court imposed a fine of \$10 on each of the 2 counts.

**12460. Adulteration of candy. U. S. v. 10 Boxes \* \* \* (and 4 other seizure actions).** (F. D. C. Nos. 23736, 23742, 23754, 23772, 23778. Sample Nos. 69442-H, 70036-H, 14201-K, 26406-K, 28401-K.)

**LIBELS FILED:** September 8, 15, 24, and 25, 1947, Eastern District of Michigan, Northern District of Indiana, District of Colorado, and Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about August 5, 13, 15, and 16, 1947, by the Lion Specialty Co., from Chicago, Ill.

**PRODUCT:** Candy. 10 boxes at Detroit, Mich.; 10 boxes at Michigan City, Ind.; 20 boxes at Fort Wayne, Ind.; 10 boxes at St. Louis, Mo.; and 830 pounds at Denver, Colo. Each box contained 23 pounds.

**LABEL, IN PART:** "Peanut Butter Kisses."

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

**DISPOSITION:** October 10, 22, and 29, and December 9, 1947. Default decrees of condemnation and destruction.

**12461. Adulteration of candy. U. S. v. 276 Cartons \* \* \*. (F. D. C. No. 23811. Sample No. 26424-K.)**

**LIBEL FILED:** October 14, 1947, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 22, 1947, by Butler Brothers, from Chicago, Ill. This was a return shipment.

**PRODUCT:** 276 20-pound cartons of candy at St. Louis, Mo.

**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 beetles, larvae, and webbing.

**DISPOSITION:** November 6, 1947. Default decree of condemnation and destruction.

**12462. Adulteration and misbranding of candy. U. S. v. 7 Cartons \* \* \*. (F. D. C. No. 23693. Sample No. 572-H.)**

**LIBEL FILED:** September 15, 1947, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about July 30, 1947, by Frank Schute's Sons, from Philadelphia, Pa.

**PRODUCT:** 7 cartons, each containing 12 boxes, of candy at Miami, Fla.

**LABEL, IN PART:** "Schute's Rum Butter Toffee \* \* \* Net Weight One Pound," "Social Whirls Assorted Flavors One Pound Net," or "Schute's Salt Water Taffy One Pound Net."

**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.

Misbranding, Section 403 (a), the label statement "Made in Accordance with Pure Food Laws" was false and misleading as applied to an article which was not made in accordance with pure food laws; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The boxes contained less than 1 pound, the declared weight.)

**DISPOSITION:** October 24, 1947. Default decree of forfeiture and destruction.

**12463. Adulteration of candy. U. S. v. 88 Boxes \* \* \*. (F. D. C. No. 24034. Sample No. 24394-K.)**

**LIBEL FILED:** December 23, 1947, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 19, 1947, by Fenn Brothers, Inc., from Sioux Falls, S. Dak.

**PRODUCT:** 88 boxes, each containing 12 bars, of English Style Toffee at Sheldon, Iowa.

**LABEL, IN PART:** "Fenn's Butter Brickle English Style Toffee Net Weight  $\frac{3}{4}$  Oz."

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

**DISPOSITION:** January 24, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**12464. Misbranding of candy. U. S. v. 158 Dozen Boxes, etc. (F. D. C. No. 23715. Sample No. 8741-K.)**

**LIBEL FILED:** September 23, 1947, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 10, 1947, by Mayfair Candies, Inc., from Brooklyn, N. Y.

**PRODUCT:** 414 dozen boxes of candy at Jersey City, N. J. Examination showed that the boxes contained an average of 21 pieces of candy, whereas approximately 35 pieces could be placed in each box.

**LABEL, IN PART:** "Net weight  $1\frac{1}{2}$  Ozs. Dunhills Quality Candies Root Beer Drops [or "Lemon Drops," or "Wild Cherry Drops Imitation"] Mfd. by Cocilana, Inc. Brooklyn, N. Y."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since approximately 14 additional pieces of candy could be placed in each box.

**DISPOSITION:** November 25, 1947. Default decree of condemnation. A portion of the product was ordered delivered to the Food and Drug Administration, and the remainder was ordered delivered to charitable institutions.

**12465. Misbranding of candy. U. S. v. 29 Cases \* \* \*. (F. D. C. No. 24124. Sample No. 3208-K.)**

**LIBEL FILED:** November 24, 1947, District of Maryland.

**ALLEGED SHIPMENT:** On or about October 7, 1947, by Edgar P. Lewis & Sons, Inc., from Malden, Mass.

**PRODUCT:** 29 cases, each containing 24 1-pound packages, of candy at Baltimore, Md.

**LABEL, IN PART:** "Lewis 1883 Candies \* \* \* Net Wt. 1 Lb."

**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. (Examination showed that the product was short-weight.)

**DISPOSITION:** December 10, 1947. Edgar P. Lewis & Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repackaged under the supervision of the Food and Drug Administration.