

ALLEGED SHIPMENT: On or about February 12, 1948, by the George W. Wride Co., Altadena, Calif.

PRODUCT: 54 cases, each containing 6 cartons of 48 2-ounce candy Easter eggs each, at Honolulu, T. H.

LABEL, IN PART: "48 2 Oz. Easter Eggs."

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

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents (the candy eggs weighed less than 2 ounces, the declared weight); and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: March 16, 1949. Default decree of condemnation and destruction.

14370. Misbranding of candy. U. S. v. 61 Boxes * * *. (F. D. C. No. 25822. Sample No. 9949-K.)

LABEL FILED: October 13, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about September 15, 1948, by Jack Newberg Co., Inc., from New York, N. Y.

PRODUCT: 61 boxes, each containing 48 packages, of candy at Newark, N. J.

LABEL, IN PART: (Package) "Ducky Stripe Chocolate Flavored Cigarettes Net Wt. 1¼ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since four additional sticks of candy could easily be placed in each package; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: March 22, 1949. Default decree of condemnation. The product was ordered delivered to charitable organizations.

14371. Misbranding of candy. U. S. v. 3 Cases, etc. (F. D. C. No. 26622. Sample Nos. 2775-K, 2776-K.)

LABEL FILED: February 24, 1949, District of Columbia.

ALLEGED SHIPMENT: On or about January 10, 1949, by the Phoenix Candy Co., from Brooklyn, N. Y.

PRODUCT: 19 bags and 3 cases, each case containing 24 bags, of candy at Washington, D. C.

LABEL, IN PART: (Bags) "Net Weight One Pound Phoenix Assorted Toffee," and "Phoenix Rum and Butter Toffee * * * Net Wt. 1 Lb."; (individual pieces of Assorted Toffee) "Rum and Butter Toffee Artificial Flavor," "Maple Flavor Toffee Artificial Flavor," and "Cocoanut Flavor Toffee Artificial Flavor."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Rum and Butter," "Maple Flavor," and "Cocoanut Flavor," were false and misleading as applied to the articles, which contained artificial rum flavor and little or no butter, artificial maple flavor, and artificial coconut flavor, respectively; and, Section 403 (e) (2), the articles failed to bear labels containing an

accurate statement of the quantity of the contents. (The bags contained less than the weight declared on the label.)

DISPOSITION: April 8, 1949. Default decree of condemnation. The product was ordered delivered to a charitable organization.

DAIRY PRODUCTS

BUTTER*

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 14372 to 14377, and that was below the legal standard for milk fat content, Nos. 14375 to 14384.

14372. Adulteration of butter. U. S. v. 103 Cartons * * *. (F. D. C. No. 26065. Sample No. 8981-K.)

LIBEL FILED: October 18, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about October 2, 1948, by the Audubon Creamery Co., from Audubon, Iowa.

PRODUCT: 103 64-pound cartons of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. (Examination of samples of the product showed the presence of insect fragments, mites, manure, rat or mouse hairs, feather barbules, and sediment.)

DISPOSITION: November 16, 1948. The Audubon Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into fat for soap manufacturing purposes, under the supervision of the Federal Security Agency.

14373. Adulteration of butter. U. S. v. 15 Cartons * * *. (F. D. C. No. 26175. Sample No. 8992-K.)

LIBEL FILED: November 16, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about October 19, 1948, by the Farmer's Union Coop. Creamery Co., from Superior, Nebr.

PRODUCT: 15 60-pound cartons of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. (Examination showed that the product contained insect fragments, rodent hair, and manure, and that it had been made from decomposed cream.)

DISPOSITION: January 11, 1949. Default decree of condemnation. The product was ordered denatured and sold for fat salvage.

14374. Adulteration of butter. U. S. v. 6 Cartons * * *. (F. D. C. No. 26445. Sample No. 25286-K.)

LIBEL FILED: December 2, 1948, Southern District of New York.

*See also No. 14390.