

**ALLEGED SHIPMENT:** On or about August 31, 1953, from Atchison, Kans.

**PRODUCT:** 25 100-pound bags and 2 50-pound bags of unpopped popcorn at Syracuse, N. Y.

**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 live insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 9, 1953. Default decree of condemnation and destruction.

**21060. Adulteration of wheat cereal. U. S. v. 15 Bags \* \* \*. (F. D. C. No. 36304. Sample No. 82636-L.)**

**LIBEL FILED:** February 2, 1954, Western District of New York.

**ALLEGED SHIPMENT:** On or about December 28, 1952, from St. Louis, Mo.

**PRODUCT:** 15 50-pound bags of wheat cereal at Buffalo, N. Y.

**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 insects, insect parts, and insect webbing. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 3, 1954. Default decree of condemnation and destruction.

**21061. Misbranding of cereal product. U. S. v. 6 Cases \* \* \*. (F. D. C. No. 35051. Sample No. 64595-L.)**

**LIBEL FILED:** May 27, 1953, Western District of Washington.

**ALLEGED SHIPMENT:** On or about May 19, 1953, by the Hood Sales Co., from Portland, Oreg.

**PRODUCT:** 6 cases, each containing 30 dozen unlabeled packages, 1¼-ounce size, of a cereal product at Seattle, Wash. Examination showed that the product was deep-fried cornmeal in the form of curls and that it contained artificial coloring and flavoring.

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1) and (2), the article 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; Section 403 (i) (2), the article was fabricated from two or more ingredients, and it failed to bear a label stating the common or usual name of each such ingredient; and, Section 403 (k), the article contained artificial coloring and artificial flavoring and failed to bear a label stating that fact.

**DISPOSITION:** March 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CANDY

**21062. Adulteration of candy. U. S. v. 29 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36315, 36316. Sample Nos. 43535-L, 43536-L.)**

**LIBELS FILED:** February 15, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 2 and October 13, 1953, by the Blumenthal Bros. Chocolate Co., from Philadelphia, Pa.

**PRODUCT:** Candy. 29 cases, each containing 12 boxes, and 188 cases, each containing 12 display cartons, at San Francisco, Calif. Each display carton contained 24 boxes of candy.

**LABEL, IN PART:** (Box) "B-B Buddy Bar 120 Count" and "Malties Pure Chocolate Coated Malted Milk Balls \* \* \* Net Wt.  $\frac{7}{8}$  Oz."

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

**DISPOSITION:** March 16, 1954. Default decrees of condemnation and destruction.

21063. Misbranding of candy. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 36131. Sample No. 84596-L.)

**LABEL FILED:** November 20, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 12, 1953, by Luden's, Inc., from Reading, Pa.

**PRODUCT:** 10 cases, each containing 12 boxes, of candy at Camden, N. J. Examination showed that each box contained 2 1-pound boxes of chocolates and 1  $\frac{1}{2}$ -pound box of chocolate-covered cherries. A cardboard filler under the  $\frac{1}{2}$ -pound box gave it the appearance of being the same depth as the 1-pound boxes. The 1-pound boxes had a full top layer, made visible by a cellophane cover. The bottom layer of each contained 10 less pieces than the top layer of 23 pieces loosely distributed, with cardboard foundations to support the top layer uniformly. The  $\frac{1}{2}$ -pound box also had two false ends in the box. With these removed, three more units easily could be packed in the box. Removed from the individual boxes and packed in the conventional manner in the large box, without crowding, the entire contents filled the lower layer and slightly more than  $\frac{1}{3}$  of the top layer. Calculated on a weight basis, the box, with conventional packing, easily would hold 3.6 pounds.

**LABEL, IN PART:** (Box) "Holiday Favorites Chocolate Assortment \* \* \* 2 $\frac{1}{2}$  Lbs. Net Wt."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the containers of the article were so filled as to be misleading since the  $\frac{1}{2}$ -pound boxes contained a filler which gave them the appearance of being the same depth as the 1-pound boxes, and also had 2 false ends, and since the 1-pound box had a top layer of 23 pieces loosely distributed, made visible through a cellophane cover, while the bottom layer contained 10 less pieces than the top layer and contained cardboard foundations to support the top layer uniformly.

**DISPOSITION:** December 18, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

21064. Adulteration of Popettes (candied popcorn). U. S. v. 3,816 Packages \* \* \*. (F. D. C. No. 36295. Sample No. 69843-L.)

**LABEL FILED:** January 25, 1954, District of Utah.