

27471. Milo maize. (F.D.C. No. 46213. S. Nos. 49-437/8 R.)

QUANTITY: 49,000 lbs. at Hobbs, N. Mex.

SHIPPED: 5-17-61 and 6-27-61, from Lubbock, Tex., by De Kalb Agricultural Association, Inc.

LIBELED: 8-8-61, Dist. N. Mex.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained pesticide chemicals, namely, captan and heptachlor, which are unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemicals on milo maize have been prescribed by regulations.

DISPOSITION: 9-12-61. Default—destruction.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CHOCOLATE AND COCOA

27472. Chocolate-flavored sirup. (F.D.C. No. 45867. S. No. 85-105 R.)

QUANTITY: 95 cases, 12 jars each, at Hazelwood, Mo.

SHIPPED: Between 5-8-61 and 6-8-61, from Argo, Ill., by Corn Products Co.

LABEL IN PART: (Jar) "Bosco Milk Amplifier Fortified with Iron and Vitamin D Net Weight 12 Oz. Best Foods Div. Corn Products Company, N.Y., N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-21-61, E. Dist. Mo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-15-61. Default—delivered to charitable institutions.

27473. Cocoa beans. (F.D.C. No. 45532. S. No. 35-779 R.)

QUANTITY: 12 138-lb. bags at Brooklyn, N.Y.

SHIPPED: 11-22-59, from Haiti.

LIBELED: 4-12-61, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained moldy beans while held for sale.

DISPOSITION: 6-2-61. Consent—claimed by Ernest Adler Co., Inc., New York, N.Y. Segregated; 9 bags destroyed.

CONFECTIONERY

27474. Candy cake decorators. (F.D.C. No. 46144. S. No. 97-612 R.)

QUANTITY: 51 cases, 24 jars each, at Buffalo, N.Y.

SHIPPED: 12-16-60, from Pennsauken, N.J., by Beaver Home Products Co., Inc.

LABEL IN PART: (Jar) "HP Candy Petites (Cake Decorators) * * * Mfr. Beaver Home Products Co., Inc., Pennsauken, N.J. Net Wt. 3 Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-28-61, W. Dist. N.Y.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-31-61. Default—delivered to a charitable institution.

27475. Candy mints. (F.D.C. No. 46210. S. No. 69-960 R.)

QUANTITY: 41 cases, 24 bags each, at Philadelphia, Pa.

SHIPPED: 6-28-61, from Cambridge, Mass., by New England Confectionery Co.

LABEL IN PART: (Bag) "Necco Canada Mints Ingredients—Net Weight 8 Ozs.—New England Confectionery Co., Cambridge, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-1-61, E. Dist. Pa.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-30-61. Default—delivered to a charitable institution.

27476. Candy suckers. (F.D.C. No. 46196. S. No. 91-905 R.)

QUANTITY: 149 cases, each containing 25 lbs. of individually wrapped candy suckers, at Jamaica, Long Island, N.Y.

SHIPPED: 6-8-61, from Pawtucket, R.I., by E. Rosen Co.

LABEL IN PART: (Case) "1203 Item 78 * * * Eppy Pops E. Rosen Company, Pawtucket, R.I."

LIBELED: 7-31-61, E. Dist. N.Y.

CHARGE: 402(a)(1)—when shipped, the article contained an added deleterious substance, namely, plastic sticks, which may render it injurious to health; and 402(d)—the article was confectionery and it contained a nonnutritive substance, namely, plastic sticks.

DISPOSITION: 8-29-61. Default—destruction.

27477. Wolch's butter mints. (F.D.C. No. 45919. S. No. 59-504 R.)

QUANTITY: 699 cases, 36 cellophane bags each, at Chicago, Ill.

SHIPPED: 4-28-61, from Sharonville, Ohio, by Kern Foods, Inc.

LABEL IN PART: (Bag) "Wolch's Fresh Pac Plain [or "Cherry," "Molasses," "Orange," "Chocolate Chip," or "Mint Julep"] Butter Mints made with Pure Creamery Butter Ingredients: * * * Hydrogenated Vegetable Oil, Butter * * * Net Weight 8 Ounces Packed for Wolch Nut & Candy Co. Chicago, Illinois by Wolch Nut & Candy Co."

RESULTS OF INVESTIGATION: Examination showed the product to be small, oval-shaped pieces of candy of various flavors and colors, containing less than 1 percent butterfat.

LIBELED: 5-31-61, N. Dist. Ill.

CHARGE: 403(a)—when shipped, the name "Butter Mints," the label statement "made with Pure Creamery Butter," and the vignette showing a cube of melting butter, were misleading, since they suggested a significantly higher butter content than was present in the product, and since the butter flavor was due primarily to artificial butter flavor; and 403(f)—the ingredient and net weight statements were not prominently placed on the label with such