

**CONFECTIONERY, SUGAR, AND SIRUP**

**27684. Butter Brickle candy.** (F.D.C. No. 46486. S. No. 34-313 T.)

**QUANTITY:** 34 cases, each containing 24 pkgs. of 6 individually wrapped candy bars each, at Hopkins, Minn.

**SHIPPED:** 8-3-61, from Sioux Falls, S. Dak., by Fenn Bros., Inc.

**LABEL IN PART:** (Pkg.) "6 Fenn's Butter Brickle Candy Bars Milk Chocolate Covered English Toffee with Roasted Almonds \* \* \* Mfg. by Fenn Bros., Inc. Sioux Falls, S. Dak." and (candy bar) "Fenn's Butter Brickle English Toffee Chocolate Covered \* \* \* Ingredients \* \* \* Pure Vanilla Reinforced with vanillin Net Wt.  $\frac{5}{8}$  Oz. Mfd. by Fenn Bros., Inc., Sioux Falls, S.D."

**RESULTS OF INVESTIGATION:** Examination showed that the quantity of contents and ingredients statements were printed on the back of individual candy bar labels, which bars were packed face up in an open front package of 6 bars which was wrapped and sealed in cellophane so that it could not be opened at the time of purchase, and the mandatory information was not visible because of the opaque back of the package.

**LIBELED:** 10-19-61, Dist. Minn.

**CHARGE:** 403(f)—when shipped, the information required by 403 (e) (2) and (i) (2) to appear on the label, namely, quantity of contents and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(k)—the article contained an artificial flavoring and it failed to bear labeling stating that fact.

**DISPOSITION:** 12-1-61. Default—delivered to charitable institutions.

**27685. Candy.** (F.D.C. No. 46988. S. No. 32-213 T.)

**QUANTITY:** 52 cases, 24 unlabeled jars each, at Los Angeles, Calif.

**SHIPPED:** 10-26-61, from Jeannette, Pa., by J. C. Crosetti Co.

**LABEL IN PART:** (Case) "2 Dozen #65 Old Fashion Candy Jar Candy Filled."

**LIBELED:** 1-22-62, S. Dist. Calif.

**CHARGE:** 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 403(i) (1)—the article failed to bear a label containing the common or usual name of the food; and 403(i) (2)—the article failed to bear a label containing the common or usual name of each ingredient.

**DISPOSITION:** 3-2-62. Default—delivered to charitable institutions.

**27686. Candy.** (F.D.C. No. 46606. S. Nos. 42-096/7 T.)

**QUANTITY:** 92 cases, 16 ctns. of 24 pkgs. each, and 563 cases, 100 pkgs. each, at Philadelphia, Pa.

**SHIPPED:** 6-29-61 and 8-11-61, from Ponce, P.R., by Howard B. Stark Co.

**LABEL IN PART:** (Pkg.) "Stark Assorted Candy Wafers \* \* \* Net Wt.  $1\frac{5}{8}$  Oz. Howard B. Stark Co., Milwaukee, Wisc. and Ponce, Puerto Rico."

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

**LIBELED:** 10-30-61, 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:** 11-20-61. Consent—claimed by Howard B. Stark Co., Pewaukee, Wis., and released under bond for relabeling.

**27687. Candy.** (F.D.C. No. 46977. S. No. 30-365 T.)

**QUANTITY:** 49 cases, 24 bags each, at Culver City, Calif.

**SHIPPED:** 12-7-61, from Weehawken, N.J., by Sweets Co. of America, Inc.

**LABEL IN PART:** (Bag) "Rockwood Rocklets Coconut Net Weight 4 Ozs. Milk Chocolate \* \* \* Manufactured by Rockwood & Co., Brooklyn 5, N.Y." and (case) "24 Count Cello Bags Milk Chocolate Coconut Rocklets \* \* \* Rockwood Chocolate Co., Inc. \* \* \* 265."

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

**LIBELED:** 1-9-62, S. Dist. Calif.

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

**DISPOSITION:** 1-31-62. Default—delivered to a charitable institution.

**27688. Raspberry laces (candy), glace cherries, chili peppers, chili powder, and herbs.** (F.D.C. No. 46946. S. Nos. 49-175/6 T, 49-179 T, 49-505/6 T.)

**QUANTITY:** 408 bags of raspberry laces; 324 bags of cherries; 4,492 bags of chili peppers; 1,776 bags of chili powder; and 1,404 bags of herbs, at San Francisco, Calif., in possession of Desert Sun Co.

**SHIPPED:** Between 12-23-60 and 11-3-61, and on unknown dates, from New York, N.Y., Forest Grove, Oreg., and outside the United States.

**LABEL IN PART:** (Bag) "Peter Pan Brand Raspberry Laces \* \* \* Net Wt. 4½ Oz. Packed by Desert Sun Co. San Francisco, Calif.;" "Desert Sun Glacé Cherries \* \* \* Packed by Desert Sun Co. \* \* \* Net Wt. 2½ Oz.;" "Desert Sun Chili Peppers \* \* \* Net Wt. ½ Oz. Packed by Desert Sun Co.;" "Desert Sun Chili Powder \* \* \* Packed by Desert Sun Co.;" and "Desert Sun Italian Herbs \* \* \* Packed by Desert Sun Co."

**RESULTS OF INVESTIGATION:** The articles were repacked into bags by the dealer from bulk lots shipped as described above. The articles were contained in clear plastic bags and the information required to appear on the labels was inconspicuous due to being printed in small type, in ink of a color which did not contrast with the product in the background. Examination showed that the chili peppers contained insects.

**LIBELED:** 1-31-62, N. Dist. Calif.

**CHARGE:** 402(a)(3)—while held for sale, the article (chili peppers) contained insects; 403(f)—the information required to appear on the label under 403(e)(2), (i)(2) (all lots except chili peppers), and 403(k) (raspberry laces), namely, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavorings and color, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(a)—the name "raspberry laces" was misleading as applied to a product containing artificial raspberry flavor and color.