

broken glass, broken glass thermometers and other miscellaneous debris; the presence of cigarette butts on candy machines; glass salt shakers, glass drinking glasses, glass milk bottles and lunch bags on shelves over candy conveyer belts under which unwrapped candy passed; and untidy and unsupervised employees.

The complaint alleged further that the defendants were well aware that their activities were in violation of the law, that since 1942, numerous inspections had been made of defendants' plant by inspectors of the Food and Drug Administration; that the defendants had been warned by these inspections against the interstate shipment of adulterated foods and about the inherent danger of maintaining their generally cluttered, crowded and messy plant; that the defendants pleaded guilty to the interstate shipment of filthy candy prepared under insanitary conditions on 10-13-47, and were fined \$500; that in 1946, defendant Louis S. Horowitz was temporarily enjoined against the preparation of adulterated candy under insanitary conditions; that the defendants were also warned by a hearing in October 1957; and that despite the warnings conveyed by the inspections, criminal prosecution, temporary injunction, and hearing, the defendants continued to ship into interstate commerce, candy adulterated in the above manner.

DISPOSITION: On 1-6-59, a consent decree of permanent injunction was entered which enjoined the defendants from directly or indirectly, introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, candy, such as hard candy, suckers, beads, apple pops, or any other such article of food which:

(a) consisted in part of a deleterious substance which may render it injurious to health by reason of the presence in the candy of glass fragments, metal fragments, or any other deleterious substance; or

(b) was unfit for food by reason of the presence in the candy of glass fragments, metal fragments, or any other similar substance; or

(c) had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health, namely, conditions resulting from and consisting of a plant maintained in a generally cluttered, crowded and messy condition; the presence of pools of water, discarded sucker sticks, broken pieces of glass, broken bits of candy, empty soft drink bottles and other miscellaneous debris on the floor; the presence of uncovered containers of starch and coloring, open sugar bags, lunch bags and empty soft drink bottles on the tables in the manufacturing area; unused equipment left in a messy condition and containing pieces and lumps of candy, bottles, broken glass, broken glass thermometers and other miscellaneous debris; the presence of cigarette butts on candy machines; glass salt shakers, glass drinking glasses, glass milk bottles and lunch bags on shelves over candy conveyer belts under which unwrapped candy passed; untidy and unsupervised employees; or any other insanitary conditions.

28923. Candy. (F.D.C. No. 47276. S. No. 62-816 T.)

QUANTITY: 1,014 7½-oz. boxes of milk chocolate peanuts, at Minneapolis, Minn., in possession of Leo Singer Candy & Tobacco Co.

SHIPPED: 1-4-62, from East Cambridge, Mass.

LABEL IN PART: (Box) "Ver-E-Best Candies Milk Chocolate Peanuts * * *
Singer Candy Co. Minneapolis Minn."

RESULTS OF INVESTIGATION: The article had been repacked by the dealer into the boxes described above which failed to bear a statement of ingredients.

LIBELED: 4-5-62, Dist. Minn.

CHARGE: 403(i)(2)—while held for sale, the article's label failed to bear the common or usual name of each of its ingredients.

DISPOSITION: 1-2-63. Default—destruction of the 390 boxes actually seized, because of their unfitness for food use at the time of the final decree.

28924. Peppermint lozenges (candy). (F.D.C. No. 48725. S. No. 16-852 V.)

QUANTITY: 51 cases, each containing 24 bags, at Cincinnati, Ohio.

SHIPPED: Between 1-22-63 and 2-4-63, from Chicago, Ill., by Peanut Specialty Co.

LABEL IN PART: (Bag tag) "Fresh Candy Treats * * * Old Fashioned Lozenges Ingredients * * * 10 Ozs. Manufactured By Peanut Specialty Company Chicago, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the article was approximately 5 percent short weight.

LIBELED: 3-19-63, S. Dist. Ohio.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of quantity of contents since label statement "10 Ozs." was inaccurate.

DISPOSITION: 7-30-63. Default—ordered delivered to charitable institutions.

28925. Peppermint sticks (candy). (F.D.C. No. 48850. S. No. 1-718 V.)

QUANTITY: 298 cases, each containing 24 pkgs., at Hickory, N.C.

SHIPPED: 2-7-63, from Greenville, S.C., by Meadors, Inc.

LABEL IN PART: (Pkg.) "Meadors Peppermint pure sugar sticks Net Weight 6¼ Oz. * * * This box contains 20 Pure Sugar Sticks * * * Meadors, Inc., Greenville, S.C."

RESULTS OF INVESTIGATION: Examination showed that the article averaged approximately 2 percent short weight.

LIBELED: 4-19-63, W. Dist. N.C.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents, since the label statement "Net Weight 6¼ Oz." was inaccurate.

DISPOSITION: 5-15-63. Consent—claimed by Meadors, Inc., and relabeled.

28926. Chocolate nonpareils (candy). (F.D.C. No. 48818. S. No. 68-922 V.)

QUANTITY: 31½ cases, each containing 24 16-oz. bags, at Baltimore, Md.

SHIPPED: On 2-20-63 and 3-8-63, from Westville, N.J., by Letty Lane Co.

LABEL IN PART: (Bag) "Letty Lane Chocolate Nonpareils * * * Ingredients * * * Artificial Flavoring * * * Letty Lane Co., Westville, N.J."

RESULTS OF INVESTIGATION: Examination showed the article to be flat, disc-shaped, dark brown pieces of candy having one surface entirely coated with white confectionery beads. The article was contained in a clear plastic bag on which the manufacturer's name and address and the statement of ingredients were printed in white ink and were inconspicuous due to lack of contrast with the white coated candy in the background.

LIBELED: 3-25-63, Dist. Md.