

4041. Adulteration of candy. U. S. v. National Candy Co. Plea of nolo contendere. Fine, \$25. (F. & D. Nos. 2939, 3146, 3293. I. S. Nos. 13823-c, 13822-c, 70-c.)

On January 27, 1912, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Candy Co., a corporation, doing business at Buffalo, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act:

(1) On January 28, 1911, from the State of New York into the State of Massachusetts, of a quantity of candy called "Navy Sweets" which was adulterated. The product was labeled: "Navy 10 1 cent M. M. Eggs Guaranteed S. N. 1637" "Navy Sweets 10 for a cent Sibley Holmwood factory, National Candy Co., Buffalo."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed that said product contained talc.

Adulteration of the product was alleged in the information for the reason that said candy contained, among other ingredients, talc.

(2) On January 12, 1911, from the State of New York into the State of Missouri, of a quantity of candy which was adulterated. This product was labeled: "800 Eggs Bunny * * * Serial No. 1637 Navy (Trade Mark)" "8 Navy Sweets for a cent. Sibley Holmwood Factory, National Candy Co., Buffalo."

Analysis of a sample of this product by said Bureau of Chemistry showed that said product contained talc.

Adulteration of this product was alleged in the information for the reason that it contained talc.

(3) On January 12, 1911, from the State of New York into the State of Missouri, of a quantity of candy which was adulterated. This product was labeled: "Bird and Eggs ('Navy' Trade Mark) Serial No. 1637." "Navy Sweets 8 for a cent. Sibley Holmwood Factory, National Candy Co., Buffalo."

Analysis of a sample of this product by said Bureau of Chemistry showed that said product contained talc.

Adulteration of this article was alleged in the information for the reason that it contained talc.

On June 15, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 5, 1915.