

and misleading as applied to peanut butter in which excess air had been incorporated and which contained foreign fat. It was alleged to be misbranded further in that the statements "8 Fl. Ozs." and "15 Fl. Ozs." were false and misleading since they were not correct. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

OLIVE OIL

1189. Misbranding of olive oil. U. S. v. 12 Cases of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 1838. Sample Nos. 4713-E, 4826-E.)

Examination showed this product to be short of the declared volume.

On April 18, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 12 cases of olive oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 16, 1940, by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: (Bottles) "Pure Olive Oil 4 Fluid Ozs. Packed for John Hoffman & Sons Co. Milwaukee."

The article was alleged to be misbranded in that the statement "4 Fluid Ounces" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On June 4, 1940, R. Gerber Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in conformity with the law.

CANDY

1190. Adulteration of candy. U. S. v. 4 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2366. Sample No. 20241-E.)

This product contained insect fragments, rodent hairs, and feather barbs.

On July 18, 1940, the United States attorney for the Western District of South Carolina filed a libel against four boxes of candy at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about June 3, 1940, by the Crown Candy Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Buttered Peanut Cocomanut Crisp."

On August 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1191. Adulteration of candy. U. S. v. 68 Cases of Candy (and 9 other seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 1479, 1518, 1550, 1605, 1807, 1809, 1851, 1863, 1876, 1931. Sample Nos. 63832-D, 63833-D, 85007-D, 85008-D, 85013-D, 66982-D, 66983-D, 66984-D, 66985-D, 15702-E, 15703-E, 15704-E, 16228-E, 16426-E, 16427-E, 16430-E, 16434-E, 16435-E, 16441-E, 16442-E, 16443-E.)

Samples taken from these lots were found to contain rodent hairs and excreta, cat and human hairs, insects and insect fragments, and miscellaneous filth.

Between February 21 and May 9, 1940, the United States attorneys for the Southern District of Illinois, Eastern District of Missouri, Western District of Missouri, and District of Nebraska filed libels against 68 cases of candy at Quincy, Ill.; 58 cases at Kirksville, Mo.; 14 cases at Sedalia, Mo.; 157 cases at Omaha, Nebr.; 1 barrel at Monroe City, Mo.; 50 cases at Kansas City, Mo.; 34 cases at Grand Island, Nebr.; and 5 cases at Lexington, Nebr., alleging that the article had been shipped in interstate commerce within the period from on or about September 11, 1939, to on or about April 16, 1940, by Walter T. Hall & Co. from Ottumwa, Iowa; and charging that it was adulterated. On May 27, 1940, the libel filed at Kirksville, Mo., on February 21, 1940, was amended to include an additional 5 cases. The article was labeled in part variously: "Hall's Chocolates Tease The Taste Special Choc."; "Royal Crisples Hall's Confections"; "Handy Pack Asst."; "Pyramid Choc. Hall's Chocolates"; "Orange Slices"; Hall's Ottumwa Iowa Assorted Halo Jellies"; "Midget Caramels"; "Assorted Banner

Choc."; "Banner Nougat"; "Clusters Light Cream Clusters"; "Hall's Black Walnut Kisses"; "Cream Midgets"; "Cream Scotties"; or "French Creams."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. It was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Between May 4 and November 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1192. Adulteration of candy. U. S. v. 23 Boxes of Candy. Default decree of condemnation. (F. D. C. No. 2766. Sample No. 24261-E.)

This product contained rodent hairs and insect fragments.

On September 6, 1940, the United States attorney for the District of New Jersey filed a libel against 23 boxes of candy at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about August 23, 1940, by the F. N. Paist Co. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "2 for 1¢ Pals."

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1193. Adulteration of candy. U. S. v. 17 Boxes of Candy (and 1 other seizure of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2185, 2189. Sample Nos. 10115-E to 10118-E, incl.)

Samples of this product were found to contain human hairs, rodent hairs, nondescript dirt, and insect fragments.

On June 11, 1940, the United States attorney for the District of New Jersey filed libels against 17 boxes of candy at Jersey City, N. J., and 44 cartons of candy at Newark, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about January 29 to on or about May 23, 1940, by the Two Star Confectionery Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part variously: "Two Star Candy Spearmint Leaves"; "Big Five Candy Gum Drops"; "72 Lucky Shoe"; or "Ass'd Haggi's Long Chewing Gum."

On September 26, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1194. Adulteration and misbranding of candy. U. S. v. 42 Boxes of Candy (and 4 other seizures of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2311, 2312, 2338, 2390, 2391. Sample Nos. 1891-E, 1892-E, 1893-E, 20409-E, 20410-E, 28060-E, 28061-E.)

Samples of this product were found to contain insect fragments and rodent hairs. Portions of the product failed to comply with certain labeling requirements of the law.

Between July 6 and July 22, 1940, the United States attorneys for the Eastern District of Virginia and the Middle District of Georgia filed libels against 866 boxes and 17 cartons of candy at Portsmouth, Va.; 269 boxes at Norfolk, Va.; and 100 cartons at Albany, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about June 19 to on or about July 2, 1940, by Queen City Candy Co. from Charlotte, N. C.; and charging that it was adulterated and misbranded. Portions of the article were labeled variously: "Queen's Candies Cherry Sandwich"; "Queen's Candies King Bar"; "Suckers"; "M. L."; or "B. L." The remainder was unlabeled.

The article in all lots was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The three lots seized at Portsmouth, Va., were alleged to be misbranded in that the article was in package form and—with the exception of a few bars which were labeled—did not bear the name and place of business of the manufacturer, packer, or distributor, and did not bear an accurate statement of the quantity of the contents. The product seized at Portsmouth was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear the common or usual name of each such ingredient. Two of the lots seized at