

Portsmouth were alleged to be misbranded further in that one lot contained artificial coloring and the other contained both artificial coloring and artificial flavoring, but did not bear labeling stating these facts.

On August 3, 9, and 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1195. Adulteration and misbranding of candy. U. S. v. 10 Cartons of Candy (and 4 other seizures of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2042, 2154, 2155, 2170, 2602. Sample Nos. 15309-E, 15510-E, 15511-E, 15516-E, 15119-E, 20578-E.)

Samples of this product were found to contain rodent hairs and excreta. One shipment was also short weight.

Between May 28 and August 17, 1940, the United States attorneys for the Eastern District of Missouri, Eastern District of Arkansas, and the Northern District of Georgia filed libels against 10 cartons of candy at Poplar Bluff, Mo.; 38 boxes at Sikeston, Mo.; 40 boxes at Newport, Ark.; 31 boxes at Jonesboro, Ark.; and 102 boxes at Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about April 10 to on or about May 16, 1940, by Thomas Bros. Candy Co. from Memphis, Tenn.; and charging that it was adulterated and that one shipment was also misbranded. The article was labeled in part variously: "Gro Mix."; "1c Jumbo Penny Stick"; "5¢ Truck'n The Candy Bar That Gives You Pep"; "Net Weight 3 $\frac{3}{4}$ Ounces or Over"; "Old Fashion Peanut Bar Thomas Bros. Circus Brand Candies."

The article was alleged to be adulterated in that it consisted in whole 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.

The seizure located at Atlanta, Ga. was alleged to be misbranded in that the statement "Net Weight 3 $\frac{3}{4}$ Ounces or Over" 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 July 1, 15, and 22 and October 22, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1196. Adulteration and misbranding of candy. U. S. v. 22 Paper Cups and 41 Various-Sized Baskets of Candy. Default decree of condemnation and destruction. (F. D. C. No. 1396. Sample No. 84000-D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time a portion was found to be insect-infested. The containers—cellophane wrapped paper cups and rattan baskets—were filled with excelsior paper, on top of which the candy was piled to a height of from 1 to 2 inches. No quantity of contents statement appeared on the cups, and the statement on the baskets was placed on the bottom thereof.

On January 29, 1940, the United States attorney for the Western District of Washington filed a libel against 22 paper cups and 41 various-sized baskets of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 15, 1939, by the Cora Lou Confectioners from San Francisco, Calif.; and charging that it was misbranded and that a portion was also adulterated. The article was labeled in part: "Cora Lou Almond Delight The Perfected Marzipan."

Two lots of the baskets of candy were alleged to be adulterated in that the product consisted in whole or in part of a filthy substance.

The entire shipment was alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading. The candy contained in the cups 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. All of the basket candy was alleged to be misbranded further in that the statement of the quantity of the contents required by the act to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

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