1381. Adulteration and misbranding of candy. U. S. v. 34 Cases and 20 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3129. Sample Nos. 99024–E, 99025–E, 99026–E.)

All three lots of this product contained rodent hairs and one lot also contained insect fragments. One lot was short weight.

On October 3, 1940, the United States attorney for the Northern District of Mississippi filed a libel against 54 cases of candy at Cleveland, Miss., alleging that the article had been shipped in interstate commerce on or about August 27 and September 10, 1940, by the American Candy Manufacturing Co. from Selma, Ala.; and charging that it was adulterated and misbranded.

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

One lot was alleged to be misbranded in that the statement "Net Weight 5 Oz." borne on the label, was false and misleading since it was incorrect. The said lot 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 since the label declared a net weight of 5 ounces; whereas the actual weight of the package was less than 5 ounces.

On November 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1382. Adulteration and misbranding of candy. U. S. v. 30 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3346. Sample No. 37425–E.)

This product contained rodent hairs and insect fragments. It was also short weight.

On November 11, 1940, the United States attorney for the Western District of South Carolina filed a libel against 30 boxes of candy at Gaffney, S. C., alleging that the article had been shipped in interstate commerce on or about July 23, 1940, by McAfee Candy Co. from Macon, Ga.; and charging that it was adulterated and misbranded. The article was labeled in part: "72—1¢ Big Apple Suckers * * * Net Wt. 3½ Lbs."

It 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 article was alleged to be misbranded in that the statement "Net Wt. 3½ Lbs." was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1383. Adulteration and misbranding of candy. U. S. v. 24 Boxes of Candy (and 7 other seizures of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 1906, 1950, 1952, 1956, 1965, 2032, 2172, 2173. Sample Nos. 333–E, 4501–E, 4503–E, 6415–E, 6416–E, 6417–E, 9265–E, 15655–E, 15718–E, 20216–E.)

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

Between April 29 and June 11, 1940, the United States attorneys for the Eastern District of Missouri, Northern District of Illinois, Northern District of Texas, Western District of Missouri, and the Eastern District of North Carolina filed libels against 24 boxes of candy at St. Louis, Mo.; 72 boxes at Chicago, Ill.; 34 cartons at Dallas, Tex.; 54 boxes at Ozark, Mo.; 77 boxes at Goldsboro, N. C.; and 87 boxes at Clinton, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about April 4 to on or about May 17, 1940, by Ucanco Candy Co. from Davenport, Iowa. On May 25, 1940, a libel was filed in the District of Colorado against 20 boxes and 57 cartons of candy at Denver, Colo., which had been shipped by the Ucanco Candy Co. from Davenport, Iowa, on or about April 4, 1940. The article was variously labeled in part: "Ol' Timer Milk Nut Roll"; "Special Cannon Ball Bars"; "5¢ Extra Special Ol' Timer Loaf"; "Nut Balls"; "Cluster"; "Ol' Timer Milk Nut Bar"; "Special Chocolate Party Pack Blue Boy Bars."

The article 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 lot seized at St. Louis, Mo., was alleged to be misbranded in that the statement "Net Weight 4 Oz. or over" was false and misleading since it was