

alleging that the article had been shipped in interstate commerce on or about November 30, 1940, by the G. T. Edwards 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.

On February 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1857. Adulteration and misbranding of candy. U. S. v. 29 Boxes and 25 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 3646, 3717. Sample Nos. 11216-E, 11220-E.)**

Examination of this product showed that both shipments were contaminated with rodent hairs and that one shipment also contained human hairs. Moreover, the term "vegetable butter" on the wrappers in one lot was not the common or usual name of the ingredient referred to.

On January 15 and 25, 1941, the United States attorney for the Southern District of Texas filed libels against 54 boxes, each containing 24 bars, of candy at Houston, Tex., alleging that the article had been shipped on or about December 9 and 27, 1940, from New Orleans, La., by Elmer Candy Co., Inc.; and charging that it was adulterated. The libel filed on January 25, 1941, also charged misbranding. The product was labeled in part: (Wrapper) "Elmer's New Orleans \* \* \* Gold Brick 5¢."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

A portion of the product was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient.

On April 4, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1858. Adulteration and misbranding of candy. U. S. v. 3 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3718. Sample No. 43849-E.)**

Three of the four lots of this product were found to contain rodent hairs. All lots were misbranded because of failure to comply with certain labeling requirements of the law; and in one instance, because of containers that were deceptive in that they did not contain the amount of candy indicated by their outward appearance.

On or about February 6, 1941, the United States attorney for the District of Kansas filed a libel against 3 cases of candy at Clay Center, Kans., alleging that the article had been shipped in interstate commerce on or about November 28, 1940, by the Elmer Candy Co. from New Orleans, La.; and charging that it was misbranded and that certain lots were also adulterated. The article was labeled in part variously: "Juicy Cherries," "Standard Assortment," and "Cottage Sweets \* \* \* Nut & Fruit Assortment [or "Hand-Rolled Creams"]."

The products labeled "Standard Assortment," "Nut & Fruit Assortment," and "Hand-Rolled Creams" were alleged to be adulterated in that they consisted wholly or in part of a filthy substance; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The "Standard Assortment," "Nut & Fruit Assortment," and "Hand-Rolled Creams" were alleged to be misbranded in that the name and place of business of the manufacturer, and in the case of the "Standard Assortment" the quantity of contents (required by the act to appear on the label) were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

The chocolate-covered cherries were alleged to be misbranded in that their container was so made, formed, or filled as to be misleading; in that they were in package form and did not bear the name of the manufacturer; and in that the statement of the quantity of contents and the list of ingredients were not prominently placed on the label with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On March 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.