

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.

On June 19 and September 15, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2533. Adulteration of candy. U. S. v. 8 Boxes and 133 Boxes of Candy (and 5 other seizures of candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4954 to 4958, incl., 5059. Sample Nos. 5343-E, 5347-E to 5349-E, incl., 29411-E, 29412-E, 29841-E, 29842-E, 50255-E.)

Between June 18 and July 3, 1941, the United States attorneys for the Southern District of Indiana, Eastern District of Kentucky, Eastern District of Tennessee, and the Northern District of West Virginia filed libels against the following amounts of candy: 129 boxes at Indianapolis, Ind., 141 boxes at Covington, Ky., 23 10-pound cartons at Paintsville, Ky., 76 boxes and 4 27-pound cartons at Knoxville, Tenn., and 18 boxes at Berkeley Springs, W. Va., alleging that the article had been shipped by the Geo. E. Smith Co. from Cincinnati and from Loveland, Ohio; and charging that it was adulterated. It was labeled in part: (23 cartons "Loveland Chocolate Drops"; (4 cartons) "Cocoanut Hilltops"; (133 boxes each containing 12 bars) "Opera Cream Cluster \* \* \* 2 Oz."; (155 boxes) "72 [or "120"] Count—One Cent Caramel Snacks"; (68 boxes) "60 Penny Loveland Mints"; and (8 boxes) "12 Lbs. Net M N Peanuts Assorted [or "Jumbo"]."

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.

Between July 11 and September 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2534. Adulteration of candy. U. S. v. 47 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4907. Sample Nos. 62604-E to 62609-E, incl.)

On June 11, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 47 cartons, each containing 100 bars, of candy at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 3, 14, and 16, 1941, by R. L. Stiles Co. from Stoneham, Mass.; and charging that it was adulterated in that it consisted wholly 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 product was labeled in part: (Bars) "Stiles Chocolate Covered Peanut Chew," "Stiles Old Tom 5c a Rum Flavor Chocolate Covered," "Stiles Brazilian Creme Caramel," or "Stiles Fruit Royal Chocolate Covered 5c."

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

**2535. Adulteration of candy. U. S. v. 147 Packages and 178 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4964. Sample Nos. 57622-E to 57627-E, incl.)

On or about June 20, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 147 packages and 178 boxes of candy at Malden, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about April 22 to May 15, 1941, by Tyler Candy Co. from Tyler, Tex.; and charging that it was adulterated. It was labeled in part: (Boxes) "Tyler Maid Penny Stick" or "Tyler Chicken Bone."

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 under insanitary conditions whereby it might have become contaminated with filth.

On October 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2536. Adulteration of candy. U. S. v. 1 Case, 1 Case, 1 Box, and 2 Boxes of Candy (and 1 other seizure action against candy). Consent decrees of forfeiture and destruction.** (F. D. C. Nos. 4739, 4756. Sample Nos. 44791-E to 44798-E, incl.)

On or about May 12 and on May 16, 1941, the United States attorney for the District of Kansas filed libels against the following amounts of candy at Jetmore, Kans.—1 105-pound barrel, 1 case containing 34 pounds, 1 case containing 32 pounds, 1 case containing 26 pounds, 1 case containing 20 pounds, 1 box containing 10 pounds, and 4 5-pound boxes, alleging that the article had been shipped by the

Brecht Candy Co. from Denver, Colo., on or about April 29, 1941; and charging that it was adulterated. It was labeled in part: "Cinnamon Candy Balls," "Candy Orange Slices," "Candy Cherries," "Druggists' Horehound Tablets," "Social Smacks," "Molasses Peanut Candy Squares," "Airway Chocolate Peanut Clusters," or "Pink Lozenges."

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

On May 23, 1941, the claimant having admitted the allegations of the libels, judgments of forfeiture were entered and the product was ordered destroyed.

**2537. Misbranding of Oomph candy. U. S. v. 11 Dozen Boxes of Oomph Candy. Default decree of condemnation and destruction. (F. D. C. No. 3463. Sample No. 31214-E.)**

This candy, which was offered as an aid to reduction of weight, had essentially the same composition, was wrapped and packed like, and possessed approximately the same caloric value as ordinary candy.

On December 4, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 11 dozen boxes of Oomph candy at Milwaukee, Wis., alleging that the article had been shipped on or about October 21, 1940, by Nu-Pak-Ej, Inc., from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "'Oomph' Candy and Reducing Program."

The article was alleged to be misbranded in that representations in the labeling that it would be efficacious in the safe reduction of weight; and that when used in conjunction with the dietary program included in the labeling, it would provide a proper method of "slenderizing" or losing excessive weight, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 511.

On January 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2538. Misbranding of candy. U. S. v. 37 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 1806. Sample No. 6034-E to 6037-E, incl.)**

The labeling of this product bore false and misleading representations regarding its efficacy as a reducing agent. Furthermore, the lower layer of the boxes contained a smaller amount (in some instances half or less than half) of candy than the upper layer.

On April 19, 1940, the United States attorney for the District of Montana filed a libel against a total of 37 boxes of candy at Butte, Mont., alleging that the article had been shipped in interstate commerce within the period from on or about January 17 to on or about March 4, 1940, by Mrs. J. G. McDonald Chocolate Co. from Salt Lake City, Utah; and charging that it was misbranded. The article was labeled variously: "McDonald's \* \* \* Slenderizing Chocolates"; "3 Favorites Meadow Milk Chocolates"; "Chocolate Covered Cherries Cream Brazil Nuts"; or "McDonald's Cherry Chocolates."

A portion of the article was alleged to be misbranded in that the statement "My Slenderizing Chocolates," borne on the label, was false and misleading as applied to an article containing the ingredients listed in the ingredient statement, namely, whipping cream, fresh eggs, creamery butter, chocolate, honey, sugar, nuts, and fruits, which would have no slenderizing effects. All lots were alleged to be misbranded in that the statements "How to keep slender \* \* \* Slenderizing Hand-Rolled Chocolates \* \* \* There is no more worry about excessive weight \* \* \* Mrs. J. G. McDonald's World Famous Chocolate Coatings are extremely low in cocoa butter content \* \* \* contains Dextrose and Levulose. These energizing ingredients are most essential in burning up excess fat \* \* \* Eat Mrs. McDonald's Chocolates every day and keep fat away," appearing in the circular contained in the boxes, were false and misleading as applied to an article containing ingredients that have no slenderizing effects and do not burn up excess fat and do not keep fat away.

The cherry chocolates were alleged to be misbranded further in that the statement "whipping cream, fresh eggs, creamery butter, cocoanut, nuts, fruits" on the boxes was false and misleading as applied to an article that did not contain whipping cream, fresh eggs, creamery butter, cocoanut, and nuts as declared on the label and that contained only one fruit, namely, cherries.