

that it was adulterated. It was labeled in part: "One Pound Net Spreddit Vegetable Oleomargarine."

The article was alleged to be adulterated in that a substance deficient in fat and containing excessive moisture had been substituted wholly or in part for oleomargarine, a product which should contain not less than 80 percent of fat when manufactured under good commercial practice.

On December 2, 1940, no claimant having appeared, judgment was entered finding the product adulterated as alleged but ordering that it be delivered to charitable institutions since it was not unfit for human consumption.

2790. Adulteration of oleomargarine. U. S. v. 74 Cases, 52 Cases, 97 Cases, and 32 Cases of Oleomargarine. Product adjudged adulterated and ordered delivered to local charitable institutions. (F. D. C. Nos. 3061, 3079. Sample Nos. 16159-E to 16161-E, incl., 16165-E.)

This product contained less fat and more moisture than oleomargarine should contain.

On or about September 21 and 25, 1940, the United States attorney for the Western District of Missouri filed libels against 255 cases, each containing 30 1-pound cartons, of oleomargarine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by Standard Margarine Co., Inc., from Indianapolis, Ind.; and charging that it was adulterated in that a substance deficient in fat and containing excessive moisture had been substituted wholly or in part therefor. The article was labeled in part: "Brednut * * * Oleomargarine," "Gold Dot Margarine," "Peerless Brand Oleomargarine," or "O'Margie Margarine."

No claimant appeared in either action. On November 5, 1940, 32 cases were adjudged adulterated as alleged in the libel and ordered delivered to a local charitable institution since the product was fit for human consumption. On December 10, 1940 (amended May 28, 1941), judgment of condemnation was entered with respect to the remainder of the product and it was also delivered to a charitable institution.

SACCHARINE PRODUCTS

CANDY

2791. Action to enjoin and restrain distribution of adulterated candy. U. S. v. Charles O. McAfee and Joe B. Hill (McAfee Candy Co. and Liberty Candy Co.). Consent decree perpetually enjoining and restraining defendants from introducing or delivering for introduction into interstate commerce adulterated candy or other food products. (Inj. No. 10.)

On March 26, 1941, the United States attorney for the Middle District of Georgia filed a bill of complaint against Charles O. McAfee and Joe B. Hill, trading as the McAfee Candy Co. and Liberty Candy Co., at Macon, Ga., alleging that the defendants, from on or about August 29, 1940, to the date of the filing of the complaint, had been manufacturing, packing, and shipping candy under insanitary conditions whereby it might have become contaminated with filth, and that said food, so prepared and packed by the defendants, was adulterated in that it consisted wholly or in part of a filthy substance. The complaint alleged further that the defendants were continuously manufacturing and packing adulterated candy and were shipping such candy at various intervals in interstate commerce; that they would continue to ship such adulterated candy unless enjoined from doing so; that various shipments made by the defendants had been sampled and seized, and were found to contain filth; that it would be impossible to sample, analyze, and seize all interstate shipments made by defendants; that the violations were of a continuous and recurring character, and prayed that a preliminary injunction issue and that, after due proceeding, the preliminary injunction be made permanent. On March 26, 1941, the court entered an order that the defendants appear on April 14, 1941, and show cause why preliminary injunction should not be issued as prayed.

On April 15, 1941, the defendants having appeared in person and by counsel and having consented to the entry of decree, judgment was entered perpetually enjoining and restraining the defendants or anyone acting upon their behalf from introducing and delivering for introduction into interstate commerce in violation of the law any adulterated candy or other food product which they had manufactured or would manufacture in the future.