

On May 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3628. Adulteration and misbranding of candy. U. S. v. 50 Cases of Candy. Default decree of condemnation. Product ordered delivered to the county authorities for use as hog feed. (F. D. C. No. 6872. Sample No. 87426-E.)

Samples of this product were found to contain rodent hairs and insect fragments. It was also short of the declared weight.

On February 18, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 50 cases of candy at Bluefield, W. Va., alleging that the article had been shipped in interstate commerce on or about January 29, 1942, by Armstrong Candy Manufacturing Co. from Martel, Tenn.; and charging that it was adulterated and misbranded. It was variously labeled in part: "Armstrong's Goober Candy Bar," "Three Cheers," "Pink Lady," "Armstrong's Coconut Curls," "Plantation Fudge," "Banana Bits," "Chocolate Log," or "Yum."

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.

It was alleged to be misbranded in that the statements, "Net Wt. 1½ Ozs.," "Weight 1½ Oz.," "Net Wt. 1½ Ozs.," "Net Weight 1¼ Ozs.," and "Net Wt. 1 Oz.," borne on the labels, were false and misleading as applied to an article weighing less than the statements indicated; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On June 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the county authorities for use as hog feed.

3629. Adulteration and misbranding of candy. U. S. v. 518 Boxes of Candy (and 3 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 6582, 6634, 6717, 6774. Sample Nos. 18606-E, 50860-E, 75829-E, 87279-E.)

Hair fragments resembling rodent hairs and insect fragments were found in samples taken from these shipments. In one of the lots the bottom layer was found to contain only approximately two-thirds as many pieces of candy as the top layer.

Between December 22, 1941, and January 29, 1942, the United States attorneys for the District of Maryland, Southern District of West Virginia, and the District of Maine filed libels against 420 1-pound boxes, 66 2-pound boxes, and 32 4-pound boxes of candy at Frederick, Md.; 21¼ dozen 1-pound packages, 11 2-pound packages, and 11 4-pound packages at Charleston, W. Va.; and 102 1-pound boxes and 10 cartons each containing 24 pound boxes, of candy at Biddeford, Maine, alleging that the article had been shipped in interstate commerce within the period from on or about December 3, 1941, to on or about January 13, 1942, by the Boston Candy Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: (Box) "Town Hall * * * Chocolates Manufactured by Fulton Candy Company, Boston, Mass.," or "Copley Assortment * * * Manufactured By Boston Candy Company."

The article in all lots was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The "Copley Assortment" was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The lot of Town Hall chocolates located at Charleston, W. Va., was alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading.

Between January 17 and February 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3630. Adulteration of candy. U. S. v. 82 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 6881. Sample No. 90867-E.)

This product contained hair fragments resembling those of rodents.

On February 17, 1942, the United States attorney for the District of Rhode Island filed a libel against the following amounts of candy at Providence, R. I.—12 12-ounce boxes, 16 half-pound boxes, 45 1-pound boxes, and 9 2-pound boxes, alleging that the article had been shipped in interstate commerce on or about January 20, 1942, by the W. H. Cole Chocolate Co. from Boston, Mass.; 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