

3994. Adulteration of candy. U. S. v. 6 Boxes and 2 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 7602. Sample Nos. 80613-E, 80614-E.)

This product contained rodent hairs.

On June 2, 1942, the United States attorney for the Southern District of Indiana filed a libel against 6 5-pound boxes and 2 30-pound cartons of candy at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about May 5, 1942, by the Ohio Confection Co. from Cleveland, Ohio; 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 article was labeled in part: "Light Chocolate Covered Coconut Marshmallows," or "Rainbow Mix."

On July 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3995. Adulteration of candy. U. S. v. 9 Packages and 12 Packages of Candy. Default decree of condemnation and destruction. (F. D. C. No. 7929. Sample Nos. 12002-F, 12003-F.)

Rodent excreta, rodent hairs, hairs resembling rodent hairs, and insect fragments were found in samples taken from this candy.

On July 16, 1942, the United States attorney for the Western District of Washington filed a libel against 21 packages each containing 2 pounds of candy at Takoma, Wash., alleging that the article had been shipped in interstate commerce by the Avalon Candy Co. from Portland, Oreg.; 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 article was labeled in part: "Avalon Popular Assortment Hand Roll and Chewing Chocolates," or "Avalon Paramount Chocolates."

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

3996. Adulteration of candy. U. S. v. 14, 19, and 7 Packages of Candy. Default decree of condemnation and destruction. (F. D. C. No. 7645. Sample Nos. 93243-E to 93245-E, incl.)

This product contained mammalian hairs resembling those of rodents.

On June 13, 1942, the United States attorney for the Western District of Washington filed a libel against a total of 40 packages of candy at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about May 25, 1942, by Loose-Wiles Biscuit Co. from Portland, Oreg.; 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 article was labeled in part: "Sunshine Chocolate Chips", or "Sunshine Candies * * * Jumbo Gums [or "Commercial Chocolates"]."

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3997. Misbranding of candy. U. S. v. 39 Cartons, 43 Cartons, 25 Cartons, and 42 Cartons of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 7772. Sample Nos. 92572-E to 92575-E, incl.)

Within these cartons were boxes, each containing a cellophane bag of candies. The bags occupied only from 57 to 60 percent of the space in the boxes. Portions were short of the declared weight.

On June 18, 1942, the United States attorney for the Southern District of California filed a libel against a total of 149 cartons, each containing 24 boxes, of candy at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 11, 1942, by Bon Candies, Inc., from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Boxes) "Bitsies [or "Peanuts," "Lassies," or "Carmies"] * * * 2 Ozs. Or Over."

The article was alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading. Portions were alleged to be misbranded further in that the statement "Net Wgt. 2 Ozs. Or Over" was false and misleading as applied to an article that was short of the declared weight, and in

that it was in package form and did not bear a label containing the accurate statement of the quantity of the contents.

On July 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

SPICES

3998. Adulteration and misbranding of spices. U. S. v. William G. Dean, alias John C. Rivers (Sure-Rise Baking Powder Co.). Plea of guilty. Fine, \$2,100. (F. D. C. No. 7208. Sample Nos. 69181-E, 69182-E, 69185-E, 69187-E, 69659-E, 69660-E.)

On July 3, 1942, the United States attorney for the Southern District of New York filed an information against William G. Dean, alias John C. Rivers, trading as Sure-Rise Baking Powder Co. at New York, N. Y., alleging shipment within the period from on or about January 3, 1941, to on or about March 10, 1941, from the State of New York into the State of New Jersey of quantities of paprika, cayenne pepper, and white pepper that were adulterated and misbranded. The articles were labeled in part: "Crown Brand * * * Sweet Paprika [or "White Pepper"] Spice Products Co., — New York"; "Pure Imported Paprika"; or "Pure Cayenne Pepper * * * Daves Grocery."

The paprika and cayenne pepper were alleged to be adulterated (1) in that substances containing cornstarch and artificial color had been substituted wholly or in part for paprika and cayenne pepper; (2) in that they were inferior to paprika and cayenne pepper and such inferiority had been concealed by the addition of artificial color; and (3) in that cornstarch and artificial color had been added thereto or had been mixed or packed therewith so as to increase their bulk and weight, reduce their quality and strength, and make them appear better and of greater value than they were. The white pepper was alleged to be adulterated (1) in that white pepper containing added starch had been substituted wholly or in part for white pepper; and (2) in that starch had been added thereto, or mixed or packed therewith, so as to increase its bulk and weight and reduce its quality and strength.

The articles were alleged to be misbranded (1) in that the statements in the labeling, "Sweet Paprika," "Pure Cayenne Pepper," and "White Pepper" were false and misleading; and (2) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient. The paprika and cayenne pepper were alleged to be misbranded further in that they contained artificial coloring and did not bear labeling stating that fact and (with the exception of one lot of paprika) did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. Two lots of paprika were alleged to be misbranded further in that their packages did not bear labels containing accurate statements of the quantity of the contents. One lot of paprika was alleged to be misbranded further in that the statement (Can label) "1 Lb. Net Weight" was false and misleading since the cans contained less than that amount.

On July 31, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$350 on each of the first 6 counts of the information and suspended imposition of sentence on the remaining 6 counts.

3999. Adulteration of chili pods. U. S. v. 95 Bags of Chili Pods. Consent decree of condemnation. Product ordered released under bond for separation of unfit portion and its disposal as chicken feed. (F. D. C. No. 6998. Sample No. 92235-E.)

Examination of this product showed that it was moldy.

On March 6, 1942, the United States attorney for the Southern District of California filed a libel against 95 bags of chili pods at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 4, 1942, by C. L. Prats from Mesilla Park, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 30, 1942, C. L. Prats, claimant, trading as C. L. Prats Chili Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be disposed of as chicken feed.