

6071. Adulteration and misbranding of candy. U. S. v. 115 Cartons of Assorted Toffees. Decree of condemnation and destruction. (F. D. C. No. 11110. Sample No. 57352-F.)

LIBEL FILED: November 15, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about October 28, 1943, by Harry Sagel, Wildwood, N. J.

PRODUCT: 115 cartons, each containing 22 boxes, of candy, at New York, N. Y.

LABEL, IN PART: "Morris Brand Assorted Toffees One Pound Net * * * Imported Delicacies Co. Importers—Distributors, New York, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product contained insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have been contaminated with filth.

Misbranding, Section 403 (a), the statement "One Pound Net," appearing in the labeling, was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the package failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 9, 1944. A claim having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

6072. Adulteration and misbranding of candy. U. S. v. 49 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 12324. Sample No. 60539-F.)

LIBEL FILED: May 8, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about March 3, 1944, by the Marzipan Candy Co., from Chicago, Ill.

PRODUCT: 49 cartons, each containing 24 bars, of candy at San Francisco, Calif.

Examination showed that this product contained little or no hazelnuts, and had a strong taste and flavor of benzaldehyde, an artificial flavor. All of the mandatory information was printed in a color which failed to contrast sufficiently with the background of the wrapper to make the statements conspicuous. The net weight statement appeared in small type at the end of the bar and was almost illegible. The name and address of the manufacturer and the statement of ingredients were invisible, since the printed portion of the wrapper was folded on the inside.

LABEL, IN PART: (Bar wrapper) "Hazelnut Bar * * * Ingredients: Hazelnuts—Chocolate Sugar & Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance which contained little or no hazelnuts had been substituted for "Hazelnut Bar," which the article was represented to be.

Misbranding, Section 403 (a), the statement "Hazelnut Bar" was false and misleading as applied to an article which contained little or no hazelnuts; Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the list of ingredients, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices on the label) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (k), the product contained artificial flavoring and failed to bear labeling which stated that fact.

DISPOSITION: August 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6073. Misbranding of candy. U. S. v. 365 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 12241. Sample No. 76928-F.)

LIBEL FILED: April 16, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 7, 1944, by the Surprise Candy Co., from New York, N. Y.

PRODUCT: 365 boxes, each containing 48 bars, of candy, at Newark, N. J.

LABEL, IN PART: "Surprise Hy-Bar * * * Net Wt. 1 Oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 1 Oz." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.