

## CHOCOLATE, SUGARS, AND RELATED PRODUCTS \*

## CANDY

**7759. Adulteration of candy. U. S. v. The Shupe-Williams Candy Co. Plea of guilty. Fine, \$25.** (F. D. C. No. 14245. Sample Nos. 70110-F, 70111-F.)

**INFORMATION FILED:** December 29, 1944, District of Utah, against the Shupe-Williams Candy Co., a corporation, Ogden, Utah.

**ALLEGED SHIPMENT:** On or about June 20, 1944, from the State of Utah into the State of Wyoming.

**LABEL, IN PART:** (Cases) "Parker Bros. No. 4 Rock Springs Wyoming \* \* \* Cara Blocks [or "Assorted Balls"]".

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts, hairs similar to rodent hairs, one insect, one feather barbule, and non-descript material; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 7, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$25 was imposed.

**7760. Adulteration of candy. U. S. v. Jan Edwards (Jan Edwards Candy Co.). Plea of nolo contendere. Fine, \$25 on count 1; sentence suspended on counts 2 and 3, and defendant placed on probation for 1 year.** (F. D. C. No. 14247. Sample Nos. 71603-F, 71613-F, 71620-F.)

**INFORMATION FILED:** January 11, 1945, Southern District of California, against Jan Edwards, trading as the Jan Edwards Candy Co., Los Angeles, Calif.

**ALLEGED SHIPMENT:** Between the approximate dates of March 4 and 31, 1944, from the State of California into the State of Washington.

**LABEL, IN PART:** "Deliciously Annutated Mein Knuts."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, cat hairs, unidentified hairs, insects, insect fragments, larvae or larva heads, and larva fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 10, 1945. A plea of nolo contendere having been entered, a fine of \$25 on count 1 was imposed. Sentence was suspended on counts 2 and 3, and the defendant was placed on probation for 1 year.

**7761. Adulteration of candy. U. S. v. 10 Cases of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 13972. Sample No. 83502-F.)

**LIBEL FILED:** October 28, 1944, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 5, 1944, by the Feek Cigar Co., from Tacoma, Wash.

**PRODUCT:** 10 cases of candy bars at Chicago, Ill.

**LABEL, IN PART:** "LeClaire's Buddy Fudge," or "Fancy Confections."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of larvae, webbing, insect excreta, and mold.

**DISPOSITION:** December 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7762. Adulteration of candy. U. S. v. 73 Cases and 3 Cases of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 15179. Sample No. 13805-H.)

**LIBEL FILED:** February 1, 1945, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 12, 1944, by the National Carloading Corporation, Boise, Idaho. This was a return shipment, the product having been shipped originally from Cleveland, Ohio, to Boise, Idaho.

**PRODUCT:** 73 cases, each containing 30 pounds, and 3 cases, each containing 35 pounds, of candy at Cleveland, Ohio.

\*See also No. 7705.

**LABEL, IN PART:** "Sweet Chocolate Peanut Clusters."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

**DISPOSITION:** February 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7763. Adulteration of chocolates. U. S. v. 120 Boxes of Chocolates. Default decree of condemnation and destruction. (F. D. C. No. 14853. Sample No. 88801-F.)**

**LABEL FILED:** December 26, 1944, District of New Hampshire.

**ALLEGED SHIPMENT:** On or about November 29, 1944, by the Liberty Chocolate Co., from Boston, Mass.

**PRODUCT:** 120 1-pound boxes of assorted chocolates, at Nashua, N. H.

**LABEL, IN PART:** "Sue Perkins Assorted Chocolates."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7764. Adulteration and misbranding of candy. U. S. v. 76 Chests of Candy. Default decree of condemnation and destruction. (F. D. C. No. 15094. Sample No. 9485-H.)**

**LABEL FILED:** January 25, 1945, Western District of New York.

**ALLEGED SHIPMENT:** On or about May 5, 1944, by the Paul X. Bergin Co., from Providence, R. I.

**PRODUCT:** 76 chests, each containing 1½ pounds, of candy, at Buffalo, N. Y. The article was packed in a chest made of wood with a hinged lid. Inside the chest was a cardboard 1-pound candy box containing two layers of candy separated by a sheet of cardboard. The top layer contained 16 pieces of candy while the bottom layer, which contained a "W"-shaped supporting cardboard strip, contained only 8 pieces of candy.

**LABEL, IN PART:** (Top of chest) "Mary Taylor Chocolates"; (bottom of chest) "Mary Taylor Novelty Chest of Assorted Sweets \* \* \* Packed by Mary Taylor Chocolate Company, Providence, Rhode Island."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, and webbing.

Misbranding, Section 403 (a), the label statement, "Chocolates," was false and misleading since the article contained nougats as well as chocolates; Section 403 (d), the container was so filled as to be misleading since the bottom layer of the cardboard box could have accommodated approximately 6 more pieces of candy; and, Section 403 (f), the statement of the quantity of contents, required by law to appear on the label, was not properly placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since it appeared on the bottom of the chest and also inside the chest on the top and side of the cardboard box.

**DISPOSITION:** February 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. The wooden chests were salvaged.

**7765. Adulteration and misbranding of cereal confection. U. S. v. 361 Cases of Caramel Coated Wheat. Default decree of condemnation. Product ordered delivered to the United Service Organizations, or destroyed. (F. D. C. No. 13707. Sample No. 70700-F.)**

**LABEL FILED:** September 21, 1944, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 8, 1944, by Confections, Inc., from Chicago, Ill.

**PRODUCT:** 361 cases, each containing 24 4-ounce cellophane bags, of caramel-coated wheat at Seattle, Wash.