

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.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), honey and butter, valuable constituents, had been in whole or in part omitted from the product; Section 402 (b) (2), an article containing mineral oil, a nonnutritive substance, and containing little, if any, honey or butter, and having no flavor of honey, had been substituted in whole or in part for "Sugared Buttered Ready to Eat Caramel Coated Wheat Honey Flavored," which the product was represented to be; and, Section 402 (b) (4), mineral oil, a substance having no food value, had been added to and mixed and packed with the product so as to reduce its quality or strength.

Misbranding, Section 403 (a), the following statements and designs in the labeling were false and misleading as applied to an article which contained little, if any, honey or butter: (Cellophane bag) "Honey Child Buttered Honey Flavored Creamery Butter Enriched with Pure Creamery Butter Honey Flavored"; (cases) "Honey Child Honey Flavored"; and (display streamer glued to the case) "Honey Child 'Butter Rich' [picture of a churn and a kettle containing cubes of butter]."

DISPOSITION: November 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the United Service Organizations, to be utilized by that organization or destroyed.

7766. Misbranding of Spanish nut toffee. U. S. v. 25 Cases of Spanish Nut Toffee. Default decree of condemnation. Product ordered delivered to a public organization. (F. D. C. No. 15632. Sample No. 27334-H.)

LIBEL FILED: March 15, 1945, Eastern District of Washington.

ALLEGED SHIPMENT: On or about February 19, 1945, by the California Fruit Chimes Co., from San Gabriel, Calif.

PRODUCT: 25 cases, each containing 48 5-ounce packages, of Spanish nut toffee, at Yakima, Wash.

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since there was an excessive amount of unfilled space in the package.

DISPOSITION: May 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public organization.

SIRUPS AND SUGARS*

7767. Adulteration and misbranding of sirup. U. S. v. 16 Cases of Sirup. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 13097. Sample No. 76231-F.)

LIBEL FILED: August 2, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about June 5, 1944, by Michels, from New York, N. Y.

PRODUCT: 16 cases, each containing 24 6-ounce bottles, of sirup at West Englewood, N. J.

LABEL, IN PART: (Bottles) "Vermont Maple Syrup * * * Tiffany Extract Co. * * * Paterson, N. J."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup, had been in whole or in part omitted from the product; and, Section 402 (b) (2), sugar sirup containing more than 35 percent water, and containing little or no true maple sugar or maple sirup, had been substituted for maple sirup, which the product purported and was represented to be.

Misbranding, Section 403 (a), the label statement, "100% Grade A Pure Vermont Maple Syrup Sap," and the design of a maple leaf and maple trees, were false and misleading; Section 403 (c), the product was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization, after destruction of the labels as directed by the Food and Drug Administration.

*See also Nos. 7702-7706.