

9685. Adulteration of candy. U. S. v. 36 Cartons and 48 Cartons and 3 Cases of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution, for use other than human consumption. (F. D. C. No. 16947. Sample Nos. 23858-H to 23860-H, incl.)

LIBEL FILED: On or about August 1, 1945, Northern District of Texas.

ALLEGED SHIPMENT: On or about June 19, 1945, by the Brock Candy Co., Chattanooga, Tenn.

PRODUCT: 84 cartons and 3 cases of candy at Dallas, Tex.

LABEL, IN PART: "Century Crisp Peanut Butter Filled Candy," "Crystal Jelly Drops," or "Assorted Jellies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, hair fragments resembling rodent hairs, rodent excreta, wood fibers, and miscellaneous dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On September 14, 1945, an amended decree was entered ordering the product delivered to a charitable institution, to be used for purposes other than human consumption.

9686. Adulteration of candy. U. S. v. 274 Cases of Candy. Default decree of condemnation. Product ordered sold. (F. D. C. No. 16981. Sample No. 22982-H.)

LIBEL FILED: August 4, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 22 and 28, 1945, by Re LeCandy, Inc., from New York, N. Y.

PRODUCT: 274 cases of candy at Memphis, Tenn.

LABEL, IN PART: "Product of Cuba 40 Libras Nettas Caramelos Finos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insect fragments, and nondescript dirt.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured under the supervision of the Federal Security Agency and used for purposes other than human consumption.

9687. Adulteration and misbranding of candy bars. U. S. v. 160 Boxes of Koko-Nut Candy Bars, 168 Boxes of Strawberry Candy Bars, and 160 Boxes of Pineapple Candy Bars. Consent decree of condemnation. Products ordered released under bond; subsequently destroyed. (F. D. C. No. 16686. Sample Nos. 273-H to 275-H, incl.)

LIBEL FILED: July 6, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 13, 1945, by the Holshouser Candy Co., from Charlotte, N. C.

PRODUCT: 488 boxes each containing 30 1½-ounce candy bars at Canton, Ohio. These products were artificially colored candies containing no coconut, strawberry, or pineapple, the purported characterizing ingredients. The fraction "½" in the statement of the quantity of the contents was practically illegible.

LABEL, IN PART: "Holshouser's Koko-Nut [or "Strawberry," or "Pineapple"] Candy Bar [design of coconut tree, strawberries, and pineapple, respectively] * * * Ingredients * * * Maize"; (Pineapple bar) "Crushed Fruits."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), coconut, strawberry, and pineapple had been in whole or in part omitted from the articles; and, Section 402 (b) (4), corn flakes had been added to the "Koko-Nut" bar and mixed and packed with it so as to make it appear better or of greater value than it was, since the corn flakes had the appearance of coconut.

Misbranding, Section 403 (a), the names, "Koko-Nut" and the design of a coconut tree, "Strawberry" and the design of strawberries, and "Pineapple" and the design of a pineapple, were false and misleading; Section 403 (f), the statement of the quantity of the contents, which the law requires to appear