

**ALLEGED SHIPMENT:** On or about February 9, 1946, by the Williamson Candy Co., from Chicago, Ill.

**PRODUCT:** 5 cartons, each containing approximately 80 pounds, of candy at Indianapolis, Ind. Examination showed that the product was scrap candy in which pieces of paper were embedded.

**NATURE OF CHARGE:** Adulteration, Section 402 (d), the article was confectionery, and it contained a nonnutritive substance, pieces of paper.

**DISPOSITION:** May 13, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**10943. Adulteration of candy. U. S. v. 44 Cases \* \* \*. (F. D. C. No. 19285. Sample No. 14385-H.)**

**LABEL FILED:** March 1, 1946, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about October 18, 1945, by J. and J. Candy Co., from Charlotte, N. C.

**PRODUCT:** 44 cases, each containing 20 boxes, of candy at Burkesville, Ky. Examination showed that the product was moldy.

**LABEL, IN PART:** "J. & J. Candies Marshmallow."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** June 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county institution, for use as animal feed.

**10944. Adulteration and misbranding of candy. U. S. v. 2 Cartons \* \* \*. (F. D. C. No. 19420. Sample No. 8672-H.)**

**LABEL FILED:** March 14, 1946, District of New Jersey.

**ALLEGED SHIPMENT:** On or about February 13, 1946, by the Sheila Kaye Candy Co., from Brooklyn, N. Y.

**PRODUCT:** 2 cartons, each containing 40 1-pound boxes, of chocolate candy at Jersey City, N. J. The product contained no cream, butter, eggs, or evaporated milk, and it was short-weight.

**LABEL, IN PART:** "Sheila Kaye Homemade Chocolates \* \* \* Net Weight 1 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, cream, butter, evaporated milk, and eggs, had been omitted from the article.

Misbranding, Section 403 (a), the label statement "Ingredients \* \* \* Cream, Butter, Evaporated Milk \* \* \* Eggs" was false and misleading as applied to an article which contained none of these ingredients; Section 403 (a), the designation "Homemade" was false and misleading as applied to a factory-made product; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** April 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**10945. Adulteration and misbranding of candy. U. S. v. 674 Packages, etc. (and 1 other seizure action). (F. D. C. Nos. 19354, 19596. Sample Nos. 43733-H, 43734-H, 49049-H.)**

**LABELS FILED:** On or about March 15 and April 15, 1946, Southern District of California and Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about October 16 and December 5, 1945, by the Mal Newberg Co., from New York, N. Y.

**PRODUCT:** 674 2½-ounce packages and 731 1-ounce packages of candy at Los Angeles, Calif., and 191 20-ounce boxes of candy at New Orleans, La. The New Orleans lot was insect-infested and moldy, and the Los Angeles lot was misbranded as indicated under *Nature of Charge*.

**NATURE OF CHARGE:** New Orleans lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

Los Angeles lot. Misbranding, Section 403 (d), the container was so made, formed, and filled as to be misleading since approximately three times as much candy could be placed in each package; 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 common or usual name of each ingredient, required by law to appear on the label, were not prominently placed on the label with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they were printed on the bottom of the packages; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

**DISPOSITION:** May 13 and June 4, 1946. No claimant having appeared, judgments of condemnation were entered. The New Orleans lot was ordered destroyed, and the Los Angeles lot was ordered delivered to a charitable institution.

**10946. Misbranding of candy. U. S. v. 40 Cartons \* \* \*. (F. D. C. No. 19330. Sample No. 3691-H.)**

**LABEL FILED:** March 8, 1946, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 19, 1946, by John F. Birkmeyer and Sons, from Baltimore, Md.

**PRODUCT:** 40 cartons, each containing 24 2-ounce boxes, of candy at York, Pa. Examination showed that the product consisted of small pieces of candy packed on shredded paper which occupied approximately one-half of the box.

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since approximately half of the box was filled with shredded paper.

**DISPOSITION:** May 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**10947. Misbranding of candy. U. S. v. 10 Dozen Baskets \* \* \*. (F. D. C. No. 19270. Sample No. 29200-H.)**

**LABEL FILED:** March 5, 1946, Northern District of California.

**ALLEGED SHIPMENT:** On or about January 12, 1946, by Erman-Bach, from New York, N. Y.

**PRODUCT:** 10 dozen baskets of candy at Oakland, Calif. The baskets were padded with crushed paper. They were large enough to hold at least two layers of candy and gave the appearance of holding that amount, but they were so packed that all of the confectionery was visible. The bottom of each basket bore a stamp purporting to set forth the mandatory information called for by the law.

**LABEL, IN PART:** (Stamped on bottom of basket) "Marzipan Candy Net Wt. 4 Oz. Ingredients: Almond & Macaroon Paste, Sugar, Corn Syrup, Conf. Glace, Softening Material, U. S. Certified Food Colors."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the basket was large enough to hold two layers of candy, whereas about half of the basket was padded with crushed paper; 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 common or usual name of each ingredient, required by law to appear on the label, were not prominently placed thereon with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient, since "Conf. Glace" and "Softening Material" are not common or usual names of ingredients.

**DISPOSITION:** April 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10948. Adulteration and misbranding of popcorn confection. U. S. v. 38 Boxes \* \* \*. (F. D. C. No. 19219. Sample No. 1080-H.)**

**LABEL FILED:** February 19, 1946, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about October 26, 1945, by the Almonette Candy Co., from Lynn, Mass.

**PRODUCT:** 38 boxes, each containing 60 ¾-ounce bars, of popcorn confection at Murphy, N. C.