

ALLEGED SHIPMENT: On or about January 22, 1947, by the Sunshine Peanut Butter Co., from Atlanta, Ga.

PRODUCT: 53 boxes containing 36 1½-ounce candy bars at Charlotte, N. C.

LABEL, IN PART: "Cocoanut Cream Bar Made of * * * Maize."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, coconut, had been in whole or in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the use of cornflakes; and, Section 402 (b) (4), cornflakes had been mixed with the article so as to make it appear better and of greater value than it was, since cornflakes had the appearance of coconut in the product.

Misbranding, Section 403 (a), the label designation "Cocoanut Cream Bar" was misleading as applied to an article containing little, if any, coconut; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of its ingredients, since "Maize" is not the common or usual name for cornflakes.

DISPOSITION: May 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12036. Misbranding of candy bars. U. S. v. 70 Boxes * * *. (F. D. C. No. 22716. Sample No. 65499-H.)

LIBEL FILED: March 19, 1947, District of Delaware.

ALLEGED SHIPMENT: On or about February 21, 1947, by Lummis & Co., from Philadelphia, Pa.

PRODUCT: 70 boxes each containing 24 candy bars at Laurel, Del. Examination showed that the product was short-weight.

LABEL, IN PART: "Lummis Peanut Bar * * * Net Wt. 1½ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labeling of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: April 8, 1947. No claimant having appeared, judgment was entered and the product was ordered delivered to a charitable institution.

12037. Misbranding of candy bars. U. S. v. 178 Cartons * * *. (F. D. C. No. 22702. Sample No. 1994-H.)

LIBEL FILED: On or about March 25, 1947, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about February 11 and 18, 1947, by the Premium Candy and Baking Co., from Fayetteville, N. C.

PRODUCT: 178 cartons each containing 30 candy bars at Columbia, S. C.

LABEL, IN PART: "Premium Fudge Bar * * * Net Wt. 1¾ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fudge Bar" was false and misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The product was a peanut candy bar, and it was short-weight.)

DISPOSITION: May 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12038. Misbranding of candy mints. U. S. v. 85 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 22499, 22631, 23005. Sample Nos. 41575-H, 67584-H, 82638-H.)

LIBELS FILED: February 6, March 12, and April 29, 1947, Eastern District of Missouri, Western District of Oklahoma, and District of Oregon.

ALLEGED SHIPMENT: On or about November 27 and December 16 and 18, 1946, by the Associated Foods Co., from Philadelphia, Pa.

PRODUCT: Candy mints. 85 cases and 14 cases, each containing 48 8-ounce packages, at St. Louis, Mo., and Oklahoma City, Okla., respectively; and 12 cases, each containing 24 1-pound boxes, at Portland, Oreg. Examination showed that the product was contained in two types of boxes, one of which had a false bottom occupying about 35 to 38 percent of the volume of the box. The other had no false bottom, but the candy occupied only about 78 percent of the volume of the box.

LABEL, IN PART: "Majesty Creamy Mints Net Weight 8 ounces [or "1 Lb."]."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so made, formed, and filled as to be misleading since the package appeared to hold substantially more candy than was contained in it.

DISPOSITION: February 25, May 1, and July 7, 1947. Associated Foods having appeared as claimant for the St. Louis lot, and no claimants having appeared for the other two lots, judgments of condemnation were entered. The St. Louis lot was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency, and the other two lots were ordered delivered to charitable institutions.

12039. Adulteration of chocolate flavor. U. S. v. 1 Drum * * * (and 1 other seizure action). (F. D. C. Nos. 22133, 22168. Sample Nos. 64264-H, 64975-H, 64976-H.)

LABELS FILED: December 31, 1946, and January 8, 1947, Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of November 13 and 21, 1946, by the Hooton Chocolate Co., from Newark, N. J.

PRODUCT: 1 75-pound drum and 12 100-pound drums of chocolate flavor at Long Island City and Brooklyn, N. Y., respectively.

LABEL, IN PART: "Orinoco Choc. Flavor."

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 (1 drum) of insect fragments and rodent hair fragments and (12 drums) of rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1947. No claimant having appeared for either lot, judgments of condemnation were entered and the product was ordered destroyed.

12040. Adulteration of chocolate flavoring. U. S. v. 30 Packages * * *. (F. D. C. No. 22454. Sample No. 75103-H.)

LABEL FILED: January 31, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about November 12, 1946, by the Hood Products Corp., from New York, N. Y.

PRODUCT: 30 1-pound packages of chocolate flavoring at San Francisco, Calif.

LABEL, IN PART: "Cal-Par Chocolate Flavor Prepared by Cal-Par Corporation New York, N. Y."

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 hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12041. Misbranding of chocolate-flavored sirup. U. S. v. 8 Cans * * *. (F. D. C. No. 22683. Sample No. 57682-H.)

LABEL FILED: March 6, 1947, District of Maine.

ALLEGED SHIPMENT: On or about December 9, 1946, by the Rose Specialty Products, from New York, N. Y.

PRODUCT: 8 8-pound cans of chocolate-flavored sirup at Bangor, Maine.

LABEL, IN PART: (Cans) "Orchid Brand Bitter Sweet Chocolate Flavored Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the word "Chocolate," which appeared in prominent type on the label, was misleading since it implied that the article had a substantial chocolate content; the statement "Chocolate Liquor," which appeared in the label list of ingredients, was misleading as applied to a product which contained a low-fat cocoa with no, or an insignificant amount of, chocolate; and the label statement "Bitter Sweet" was misleading since it is widely used to indicate a type of chocolate but never a type of cocoa.

Further misbranding, Section 403 (e) (1), the label of the article failed to contain the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (k), the article contained artificial flavoring and