

**12235. Adulteration of candy. U. S. v. Mary Lincoln Candies, Inc. Plea of guilty.** Fine, \$1,000 on 2 counts, third count suspended. (F. D. C. No. 23301. Sample Nos. 60583-H, 61244-H, 61330-H.)

**INFORMATION FILED:** July 24, 1947, Western District of New York, against Mary Lincoln Candies, Inc., Buffalo, N. Y.

**ALLEGED SHIPMENT:** On or about March 11, 1947, from the State of New York into the States of Pennsylvania and Ohio.

**LABEL, IN PART:** "Mary Lincoln Candies."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted 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:** September 22, 1947. A plea of guilty was entered on behalf of the defendant and a fine of \$500 was imposed on each of counts 1, 2, and 3, the fine on count 3 being suspended.

**12236. Adulteration of candy. U. S. v. 68 Tins \* \* \* (and 6 other seizure actions).** (F. D. C. Nos. 22800 to 22805, incl., 22814. Sample Nos. 60583-H, 60585-H, 60586-H, 61244-H, 61245-H, 61330-H, 61332-H.)

**LIBELS FILED:** April 2 and 3, 1947, Western District of Pennsylvania and Northern and Southern Districts of Ohio.

**ALLEGED SHIPMENT:** On or about March 11 and 12, 1947, by Mary Lincoln Candies, Inc., from Buffalo, N. Y.

**PRODUCT:** 68 tins of candy at Erie, 58 tins at Butler, and 20 tins at Pittsburgh, Pa.; and 20 tins at Wellsville, 84 tins at Conneaut, and 37 tins at Steubenville, Ohio. Each tin contained 2 pounds of the product.

**LABEL, IN PART:** "Mary Lincoln Candies, Fruits, Nuts, Creams, Hard and Chewys," or "Assorted Milk and Dark Chocolate \* \* \* Mary Lincoln Candies."

**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 hairs and insect parts; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 21 and 23 and May 6, 1947. Default decrees of condemnation and destruction.

**12237. Adulteration of candy. U. S. v. 59 Boxes, etc.** (F. D. C. Nos. 23542 to 23544, incl. Sample Nos. 99941-H, 99942-H, 99944-H.)

**LIBEL FILED:** August 4, 1947, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 6 to 16, 1947, by M. Cohen & Co., from Bridgeton, N. J.

**PRODUCT:** 59 boxes and 22 boxes, each containing 120 pieces, and 4 boxes, each containing 12 pounds, of candy at Philadelphia, Pa.

**LABEL, IN PART:** "Ice Squares," "M. C. Peanut Chew," "M. C. Fluffs," and "Frozen Milk Carmels."

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

**DISPOSITION:** September 29, 1947. Default decree of condemnation and destruction.

**12238. Adulteration and misbranding of candy. U. S. v. 4 Cartons, etc. (and 1 other seizure action).** (F. D. C. Nos. 23109, 23173. Sample Nos. 85119-H to 85121-H, incl., 85125-H, 85127-H, 85129-H, 85130-H, 91344-H.)

**LIBELS FILED:** May 9 and June 6, 1947, Eastern District of New York and Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 18 and April 25, 1947, by Asco Packing Company, from Newark, N. J.

**PRODUCT:** 4 45-pound cartons, 1 50-pound carton, 1 100-pound carton, and 1 250-pound barrel of candy, at Brooklyn, N. Y.; and 19 5-ounce bags of candy

cakes, 19 6-ounce bags of licorice, 19 6-ounce bags of anise dogs, 19 3½-ounce bags of after dinner mints, 19 4-ounce bags of chocolate chews, 21 4-ounce bags of lollipops, and 64 3-ounce bags of caramels, at Irwin, Pa.

**LABEL, IN PART:** (Portion) "Boston Baked Beans," or "Asco Candy Cakes [or "Licorice," "Anise Dogs," "After Dinner Mints," "Chocolate Chews," "Lolly-Pops," or "Fresh Pack Caramels"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent-hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), some of the articles failed to bear a label containing an accurate statement of the quantity of contents, since the label statements, "Weight Six Ounces Net" (licorice and anise dogs), "Weight 3½ Ounces Net" (after dinner mints), "Weight Four Ounces Net" (chocolate chews and lollipops), and "Weight Three Ounces Net" [caramels], were inaccurate. (The articles were short-weight.)

**DISPOSITION:** June 17 and July 17, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**12239. Adulteration and misbranding of candy bars. U. S. v. 79 Boxes \* \* \***  
(F. D. C. No. 22788. Sample No. 55215-H.)

**LIBEL FILED:** March 27, 1947, District of Alabama.

**ALLEGED SHIPMENT:** On or about October 29, 1946, by the G. T. Edwards Candy Co., from Atlanta, Ga.

**PRODUCT:** 79 boxes each containing 36 candy bars, at Dothan, Ala.

**LABEL, IN PART:** (Boxes) "Pecan Bar Cocoanut 36 Count."

**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 corn flakes; and, Section 402 (b) (4), a substance, corn flakes, had been mixed with the article so as to make it appear better and of greater value than it was, since corn flakes had the appearance of coconut in the product in which coconut was an expected ingredient.

Misbranding, Section 403 (a), the designation on the boxes, "Pecan Bar Cocoanut," was misleading, since the article contained little, if any, coconut or pecans; and, Section 403 (i) (2), the article was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each of its ingredients, since "maize" is not the common or usual name for corn flakes.

**DISPOSITION:** April 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**12240. Adulteration and misbranding of candy bars. U. S. v. 35 Cases \* \* \***  
(F. D. C. No. 22858. Sample No. 73509-H.)

**LIBEL FILED:** April 22, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 1, 1946, by Snooks, Inc., from Brooklyn, N. Y., to Galion Bottling Works, Galion, Ohio. On November 23, 1946, the consignee returned the product to the shipper, who refused to receive the shipment. It was therefore returned to Cleveland, Ohio, on or about March 5, 1947.

**PRODUCT:** 35 cases containing odd-size boxes of candy bars at Cleveland, Ohio. The product was a chocolate-covered candy bar containing peanuts and pieces of soybeans. It contained little or no sweetening ingredients and did not have a sweet taste. It was also short-weight.

**LABEL, IN PART:** "Snooks [or "Savvy"] Net Wt. 1¼ oz. \* \* \* Mfd. by Rex Confections Co. [or "Inc."] Brooklyn, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, sweetening ingredients, which are normal and expected in candy, had been in whole or in part omitted from the article.