interposed as res adjudicata, in our opinion dispose of the question presented by the record in this case and the points urged by plaintiff.

"Order will go accordingly."

On June 19, 1946, the court handed down findings of facts and conclusions of law consonant with the foregoing opinion and ordered the libel dismissed.

12863. Adulteration of candy. U. S. v. 39 Boxes, etc. (and 3 other seizure actions). (F. D. C. Nos. 24442, 24443, 24445, 24446. Sample Nos. 24064–K to 24066–K, incl., 24466–K, 24897–K, 24898–K.)

LIBELS FILED: On or about February 17, 18, and 19, 1948, Western District of Wisconsin, Southern District of Iowa, and District of North Dakota.

ALLEGED SHIPMENT: Between the approximate dates of December 3, 1947, and January 26, 1948, by Candymasters, Inc., from Minneapolis, Minn.

PRODUCT: 98 boxes at Eau Claire, Wis., 57 boxes at Des Moines, Iowa, 29 boxes at Marshalltown, Iowa, and 234 boxes at Fargo, N. Dak., each box containing 24 1-ounce candy bars.

LABEL, IN PART: "Walnut Hill," or "Master Mint."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole are in part of a filthy substance by reason of the presence of insect fragments, insects, 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: March 9, April 29, and May 10, 1948. Default decrees of condemnation and destruction.

12864. Adulteration of candy. U. S. v. 39 Boxes * * *. (F. D. C. No. 24496. Sample No. 18481–K.)

LIBEL FILED: March 19, 1948, Western District of Kentucky.

ALLEGED SHIPMENT: On or about February 13, 1948, by the Whitson Candy Co., from Knoxville, Tenn.

PRODUCT: 39 boxes, each containing 120 sticks, of candy at Campbellsville, Ky.

LABEL, IN PART: "Whitson's Pure Sugar Full Value Penny Stick Candy."

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: April 23, 1948. Default decree of condemnation and destruction.

12865. Adulteration of candy. U. S. v. 25 Boxes * * *. (F. D. C. No. 23930. Sample No. 710–K.)

LIBEL FILED: November 17, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 10, 1947, by the Lee Chocolate Co., from Atlanta, Ga.

PRODUCT: 25 boxes, each containing 24 1½-ounce bars, of candy at Jacksonville, Fla.

LABEL, IN PART: "Lee's Cocoanut Bar."

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

DISPOSITION: January 22, 1948. Default decree of condemnation and destruction.

12866. Adulteration and misbranding of candy. U. S. v. 5 Cartons, etc. (F. D. C. No. 23750. Sample No. 78809–H.)

LIBEL FILED: September 30, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about August 14, 1947, by Kandy McNutt, from Whittier, Calif.

PRODUCT: Candy. 5 cartons, each containing 24 bars, and 1 carton, containing 20 bars, at Mount Vernon, Wash.