

LABEL, IN PART: "Cherry Flip Net Weight 1½ Oz. or Over Contains Chocolate, Peanuts, Sugar, Corn Syrup, Cherry, Egg Albumen, Yeast Extract, Benzoate of Soda Artificially colored and flavored."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, cherry, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statement, "Cherry Flip * * * Contains * * * Cherry," and a design of cherries on the cartons, were false and misleading as applied to an article containing artificial flavoring and coloring but containing no cherries or pieces of cherries; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: March 18, 1948. Default decree of condemnation. The product was ordered delivered to a Government institution.

12867. Adulteration of candy. U. S. v. 20 Boxes * * * (and 2 other seizure actions). (F. D. C. Nos. 23989, 24027, 24134. Sample Nos. 9789-K, 14103-K, 14107-K.)

LIBELS FILED: November 28 and December 9 and 24, 1947, Northern District of Illinois and Southern District of New York.

ALLEGED SHIPMENT: On or about November 4, 5, and 15, 1947, by the Aunt Martha Wayside Farm, from Broomall and Ardmore, Pa.

PRODUCT: Candy. 20 1-pound boxes and 3 cases, each case containing 12 1-pound boxes, at Chicago, Ill., and 9 1-pound boxes at New York, N. Y.

LABEL, IN PART: (One shipment) "Topsy Chocolates Bar Excellence Rum Drops"; (two shipments) "Topsy Chocolates Choice Blend 5 in 1 Whiskey Wafers, Rum Drops, Gin Bitters, Cognac Kisses, Mint Juleps."

NATURE OF CHARGE: Adulteration, Section 402 (d), the product was confectionery and contained alcohol.

DISPOSITION: December 19, 1947, and February 25 and March 9, 1948. Default decrees of condemnation and destruction.

12868. Adulteration of rock candy crystals. U. S. v. 60 Boxes * * *. (F. D. C. No. 23024. Sample No. 50410-H.)

LIBEL FILED: May 12, 1947, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 5, 1947, by Dryden & Co., from Philadelphia, Pa.

PRODUCT: 40 boxes, each containing 24 packages, and 20 boxes, each containing 12 packages, of rock candy crystals at Shreveport, La.

LABEL, IN PART: (Packages) "100% Pure Rock Candy Crystals For Coughs For Colds Net Weight 4 Ounces."

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

DISPOSITION: December 4, 1947. Default decree of condemnation and destruction.

12869. Adulteration of candy Easter eggs. U. S. v. 8 Cases * * *. (F. D. C. No. 24689. Sample No. 13210-K.)

LIBEL FILED: March 26, 1948, District of Delaware.

ALLEGED SHIPMENT: On or about March 10, 1948, by the De Witt P. Henry Co., from Philadelphia, Pa.

PRODUCT: 8 cases each containing 96 ¼-pound candy Easter eggs at Wilmington, Del.

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 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: April 15, 1948. Default decree of condemnation and destruction.