

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

Misbranding, Section 403 (e) (2), the 1-pound packages failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 Lb. Net" was inaccurate. (The article was short-weight.)

DISPOSITION: May 18, 1948. Default decree of condemnation and destruction.

13771. Misbranding of candy. U. S. v. 60 Cases \* \* \*. (F. D. C. No. 25053. Sample No. 18264-K.)

LIBEL FILED: July 26, 1948, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 7, 1948, by the DeWitt P. Henry Co., from Philadelphia, Pa.

PRODUCT: 60 cases, each containing 100 cartons, of caramels at Cleveland, Ohio.

Examination showed that each carton contained 5 pieces of candy, whereas 10 pieces of candy could easily have been placed in the carton.

LABEL, IN PART: "Henry's Caramels Chocolate Covered Net weight 1 ounce."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the container was slack filled.

DISPOSITION: November 17, 1948. Default decree of condemnation. The product was ordered delivered to charitable organizations.

13772. Misbranding of marshmallows. U. S. v. 26 Cartons \* \* \*. (F. D. C. No. 25112. Sample No. 19480-K.)

LIBEL FILED: July 20, 1948, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about April 13, 1948, by Byron Jesters, from Muncie, Ind. This was a return shipment.

PRODUCT: 26 cartons, each containing 24 bags, of marshmallows at Pikeville, Ky.

LABEL IN PART: (Bag) "Marshmallows Net Wt. approx. 6 oz. Brown's Food Products, Paintsville, Ky."

NATURE OF CHARGE: Misbranding, 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: August 12, 1948. Default decree of condemnation. The product was ordered delivered to a public welfare institution.

13773. Adulteration of marshmallow whip. U. S. v. 30 Cases, etc. (F. D. C. No. 25470. Sample No. 5033-K.)

LIBEL FILED: August 19, 1948, District of Connecticut.

ALLEGED SHIPMENT: On or about November 27, 1946, and January 20, 1947, from Cambridge, Mass.

PRODUCT: Marshmallow whip. 30 cases, each containing 12 14-ounce jars; 48 cases, each containing 12 7-ounce jars; and 45 cases, each containing 24 4-ounce jars, at New London, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 26, 1948. Default decree of condemnation and destruction.