

14165. Misbranding of popcorn confection. U. S. v. 99 Boxes * * *. (F. D. C. No. 26378. Sample No. 5665-K.)

LIBEL FILED: On or about January 5, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about December 20, 1948, by the Connecticut Pop Corn Manufacturing Co., from Springfield, Mass.

PRODUCT: 99 boxes, each containing 12 packages, of popcorn confection at Providence, R. I.

LABEL, IN PART: (Package) "Assorted Pop Corn Dodgers Pop Corn Confection * * * Net Weight not less than 4 ounces."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight not less than 4 ounces" was inaccurate. (The packages contained less than 4 ounces.)

DISPOSITION: January 31, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

14166. Misbranding of butter-flavored popcorn. U. S. v. 22 Cartons * * *. (F. D. C. No. 25788. Sample No. 4397-K.)

LIBEL FILED: September 30, 1948, District of Maine.

ALLEGED SHIPMENT: On or about August 9, 1948, by Confectioners, Inc., Boston Mass.

PRODUCT: 22 cartons, each containing 25 bags, of popcorn at Lewiston, Maine

LABEL, IN PART: (Bag) "Sunny's Butter Flavored Pop Corn Net Wt. 2 Oz Ingredients: * * * Butter Oil."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Butter Flavored" and "Butter Oil" were false and misleading as applied to the product, which contained little, if any, butter; and, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The bags contained less than 2 ounces, the declared weight.)

DISPOSITION: November 1, 1948. Default decree of condemnation. The product was ordered delivered to a public institution.

14167. Adulteration of chocolate coating. U. S. v. 12 Cartons, etc. (F. D. C. Nos. 25724, 25725. Sample Nos. 19968-K, 19969-K.)

LIBEL FILED: October 19, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 14, February 5, March 9, and July 8, 1948 from the States of New York and Pennsylvania into the State of Ohio.

PRODUCT: 27 50-pound cartons of chocolate coating at Marietta, Ohio, in possession of Broughton's Farm Dairy, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs and rodent-gnawed chocolate; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.