

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 11-20-61. Consent—claimed by Howard B. Stark Co., Pewaukee, Wis., and released under bond for relabeling.

**27687. Candy.** (F.D.C. No. 46977. S. No. 30-365 T.)

**QUANTITY:** 49 cases, 24 bags each, at Culver City, Calif.

**SHIPPED:** 12-7-61, from Weehawken, N.J., by Sweets Co. of America, Inc.

**LABEL IN PART:** (Bag) "Rockwood Rocklets Coconut Net Weight 4 Ozs. Milk Chocolate \* \* \* Manufactured by Rockwood & Co., Brooklyn 5, N.Y." and (case) "24 Count Cello Bags Milk Chocolate Coconut Rocklets \* \* \* Rockwood Chocolate Co., Inc. \* \* \* 265."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 1-9-62, S. Dist. Calif.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 1-31-62. Default—delivered to a charitable institution.

**27688. Raspberry laces (candy), glace cherries, chili peppers, chili powder, and herbs.** (F.D.C. No. 46946. S. Nos. 49-175/6 T, 49-179 T, 49-505/6 T.)

**QUANTITY:** 408 bags of raspberry laces; 324 bags of cherries; 4,492 bags of chili peppers; 1,776 bags of chili powder; and 1,404 bags of herbs, at San Francisco, Calif., in possession of Desert Sun Co.

**SHIPPED:** Between 12-23-60 and 11-3-61, and on unknown dates, from New York, N.Y., Forest Grove, Oreg., and outside the United States.

**LABEL IN PART:** (Bag) "Peter Pan Brand Raspberry Laces \* \* \* Net Wt. 4½ Oz. Packed by Desert Sun Co. San Francisco, Calif.;" "Desert Sun Glacé Cherries \* \* \* Packed by Desert Sun Co. \* \* \* Net Wt. 2½ Oz.;" "Desert Sun Chili Peppers \* \* \* Net Wt. ½ Oz. Packed by Desert Sun Co.;" "Desert Sun Chili Powder \* \* \* Packed by Desert Sun Co.;" and "Desert Sun Italian Herbs \* \* \* Packed by Desert Sun Co."

**RESULTS OF INVESTIGATION:** The articles were repacked into bags by the dealer from bulk lots shipped as described above. The articles were contained in clear plastic bags and the information required to appear on the labels was inconspicuous due to being printed in small type, in ink of a color which did not contrast with the product in the background. Examination showed that the chili peppers contained insects.

**LIBELED:** 1-31-62, N. Dist. Calif.

**CHARGE:** 402(a) (3)—while held for sale, the article (chili peppers) contained insects; 403(f)—the information required to appear on the label under 403(e) (2), (i) (2) (all lots except chili peppers), and 403(k) (raspberry laces), namely, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavorings and color, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(a)—the name "raspberry laces" was misleading as applied to a product containing artificial raspberry flavor and color.