

DISPOSITION: 7-12-62. Default—destruction.

28231. Tootsie Rolls (candy). (F.D.C. No. 47606. S. No. 32-716 T.)

QUANTITY: 52 cartons, each containing 24 1 $\frac{3}{8}$ -oz. individually wrapped candy bars, at Phoenix, Ariz.

SHIPPED: 1-30-62, from Los Angeles, Calif., by Sweets Company of America, Inc.

LABEL IN PART: (Candy wrapper) "Chocolate Tootsie Roll * * * Ingredients: * * * The Sweets Company of America, Inc. Hoboken, N.J."

LIBELED: 5-17-62, Dist. Ariz.

CHARGE: 402(a)(3)—contained rodent hairs when shipped.

DISPOSITION: 7-9-62. Default—destruction.

28232. Licorice candy. (F.D.C. No. 47185. S. No. 13-909 T.)

QUANTITY: 86 cases, 16 pkgs. each, containing 6 individual bars each, at Chicago, Ill.

SHIPPED: Between 11-27-61 and 1-19-62, from St. Louis, Mo., by Switzer's Licorice Co.

LABEL IN PART: (Pkg.) "6 Pack Switzer's Old Fashioned Licorice"; (individual bar) "Calorie Conscious? Switzer's Licorice Switzer's Licorice Company, St. Louis, Mo. * * * Net Wt. 1 $\frac{3}{16}$ Oz."

RESULTS OF INVESTIGATION: The candy bars were packed face up in an open tray type package which was wrapped and sealed in cellophane so that it could not be opened at the time of purchase and the mandatory information which was printed on the back of each candy bar, was not visible because of the cardboard back of the package.

LIBELED: 3-1-62, N. Dist. Ill.

CHARGE: 403(a)—when shipped, the label statement "Calorie Conscious?" was false and misleading in that it suggested and implied that the article was of unusual value for calorie controlled diets because it was low in calories; 403(f)—the place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, the common or usual name of each ingredient, and the declaration of preservative, were not prominently placed on the article 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.

DISPOSITION: 6-20-62. Consent—claimed by Switzer Licorice Co., and delivered to a charitable institution.

28233. Terry's candy corn. (F.D.C. No. 47584. S. No. 43-955 T.)

QUANTITY: 59 cases, each containing 100 boxes, at Philadelphia, Pa.

SHIPPED: Between 3-27-62 and 4-17-62, from Elizabeth, N.J., by Terry Candy Co.

LABEL IN PART: (Box) "Terry's Candy Corn Net Wt. 1 $\frac{1}{4}$ Oz. * * * Terry Candy Co., Elizabeth, New Jersey."

RESULTS OF INVESTIGATION: The manufacturer's name and address, the statement of ingredients, and declaration of artificial color and flavor were partly illegible due to the blurring of the print.

LIBELED: 5-8-62, E. Dist. Pa.

CHARGE: 403(f)—when shipped, the information required under 403 (e) (1), (i) (2), and (k), to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, the common or usual name of each ingredient, and the declaration of artificial flavoring and coloring, was not prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 8-1-62. Default—delivered to charitable institutions.

28234. Mint lozenges. (F.D.C. No. 46432. S. No. 96-558 R.)

QUANTITY: 224 cases, each containing 24 bags, at Philadelphia, Pa.

SHIPPED: Between 7-21-61 and 8-18-61, from Skokie, Ill., by Farley Candy Co.

LABEL IN PART: (Bag) "Farley's Mint Lozenges Made by Farley Candy Co., Skokie, Ill. * * * 11 Oz. Net Wt."

RESULTS OF INVESTIGATION: Examination showed the article to be white candy mints in clear plastic bags. The mandatory information was printed in white ink and was inconspicuous against the white candy in the background.

LIBELED: 8-31-61, E. Dist. Pa.; amended libel 9-11-61.

CHARGE: 403(f)—when shipped, the information required under 403 (e) (1), (e) (2), and (i) (2), to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, the quantity of contents, and ingredient statements, was not prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

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

28235. Nougat candy. (F.D.C. No. 47576. S. No. 56-081 T.)

QUANTITY: 38 ctns., 24 pkgs. each, of 6 boxes each, at Newark, N.J.

SHIPPED: 3-12-62 and 4-5-62, from New York, N.Y., by Ferrara Confectionery Co.

LABEL IN PART: (Ctn.) "24 pkgs. 6 units * * * Torone Ferrara Nougat Candy"; (pkg.) "Ferrara Delicious Nougat Candy Ass't Flavors Ingredients * * * Net Weight 3½ Oz. * * * Manufactured by Ferrara Confectionery Co., New York 13, N.Y."; (box) (labeled essentially the same as pkg. label except for quantity of contents statement "Net Weight 14¼ Grams" and name of flavor of candy within the box).

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 5-7-62, Dist. N.J.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents, since the label statement on package of 6 boxes was inaccurate and the label statement of quantity of contents on individual boxes was not expressed in terms of weight generally used by consumers to express quantity of such food.

DISPOSITION: 6-15-62. Default—delivered to charitable institutions.