

28630. Candy. (F.D.C. No. 48022. S. No. 70-761 T.)

QUANTITY: 69 cases, each containing 24 8-oz. bags, at Minneapolis, Minn.

SHIPPED: 8-21-62, from Moline, Ill., by Fresh-Pak Candy Co.

LABEL IN PART: (Bag) "Pleasmor Fresh Burnt Peanuts Distributed by Nash-Finch Company, Minneapolis, Minnesota Ingredients:—Certified Colors and Imitation Flavors."

RESULTS OF INVESTIGATION: The article was contained in clear cellophane bags on which the name and address of the manufacturer and quantity of contents and ingredients statements were inconspicuous due to being printed in very small type in ink of a color similar to that of candy in the bag.

LIBELED: 9-11-62, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required to appear on the label of the article under 403(e) (1) and (2), 403(i) (2), and 403(k), namely, name and address of manufacturer, packer, or distributor, an accurate statement of the quantity of contents, namely, the statement of ingredients, and the declaration of artificial color and flavors, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-24-62. Default—delivered to charitable institutions for use therein.

28631. Candy. (F.D.C. No. 48055. S. No. 63-567 T.)

QUANTITY: 320 cases, each containing 24 1-lb. bags, at Hopkins, Minn.

SHIPPED: 6-19-62 and 6-27-62, from Moline, Ill., by Fresh-Pak Candy Co.

LABEL IN PART: (Bag) "Pleasmor Jellies \* \* \* Distributed by Nash-Finch Company, Minneapolis, Minnesota. Ingredients: \* \* \* Certified Colors, Imitation flavor."

RESULTS OF INVESTIGATION: The article was contained in clear cellophane bags on which the name and address of the manufacturer, and the quantity of contents and ingredients statements were inconspicuous due to being printed in very small type in ink of a color similar to that of the candy within the bag.

LIBELED: 8-27-62, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required to appear on the label under 403(e) (1) and (2), 403(i) (2), and 403(k), namely, the name and address of the manufacturer, packer, or distributor, an accurate statement of the quantity of contents, the statement of ingredients, and the declaration of artificial color and flavors, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-9-62. Default—delivered to charitable institutions.

28632. Pralines (candy). (F.D.C. No. 48026. S. No. 91-168 T.)

QUANTITY: 18 cases, each containing 12 boxes of 24 pkgs. each, at Oklahoma City, Okla.

SHIPPED: 8-7-62 and 8-12-62, from San Antonio, Tex., by Judson's Candies, Inc.

**LABEL IN PART:** (Pkg.) "Judson's Chewy Praline Net Weight 1 Oz. or over  
Ingredients:—Natural and Artificial Flavors. Judson's Candies, Inc. San  
Antonio, Texas."

**RESULTS OF INVESTIGATION:** The article was caramel colored candy wrapped in  
cellophane in such a manner that the manufacturer's name and place of busi-  
ness, net weight and ingredients statement, and declaration of artificial flavor-  
ing were concealed in the folds of the wrapper and were not readable until  
the candy was unwrapped.

**LIBELED:** 9-12-62, W. Dist. Okla.

**CHARGE:** 403(f)—when shipped, the information required to appear on the  
label under 403(e) (1) and (2), 403(i) (2), and 403(k), namely, the manufac-  
turer's name and place of business, an accurate statement of the quantity of  
contents, the common or usual name of each ingredient, and the declaration of  
artificial flavoring, was not prominently placed on the label with such conspic-  
uousness as to render it likely to be read by the ordinary individual under  
customary conditions of purchase and use.

**DISPOSITION:** 9-20-62. Consent—delivered to a charitable institution.

**28633. Spearmint leaves (candy).** (F.D.C. No. 47255. S. No. 12-082 T.)

**QUANTITY:** 51 cases, 24 1-lb. bags each, at Milwaukee, Wis.

**SHIPPED:** Between 3-13-62 and 3-20-62, from Chicago, Ill., by Wolch Nut &  
Candy Co.

**LABEL IN PART:** (Bag) "Wolchs \* \* \* Spearmint Leaves \* \* \* Wolch Nut &  
Candy Co., Chicago, Ill."

**RESULTS OF INVESTIGATION:** Examination showed that the article consisted of  
leaf-shaped pieces of candy packed in clear plastic bags. The distributor's  
name and address and the statement of ingredients were inconspicuous due  
to being printed in a green ink similar in color to the candy within the bag.

**LIBELED:** 3-21-62, E. Dist. Wis.; libel amended 4-3-62.

**CHARGE:** 403(f)—when shipped, the information required by 403(e) (1) and  
(i) (2), namely, the name and place of business of the manufacturer, packer,  
or distributor, and the statement of ingredients, was not prominently placed  
on the labels with such conspicuousness (as compared with other words and  
statements on the labels) as to render such information likely to be read by  
the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 5-3-62; decree amended 5-7-62. Default—delivered to a chari-  
table institution.

**28634. Butterscotch chips (candy).** (F.D.C. No. 48299. S. No. 33-381 V.)

**QUANTITY:** 300 cases, 24 bags each, at Newport, Minn., in possession of J. P.  
Fritz Candy Co., Inc.

**SHIPPED:** 8-9-62, from Milwaukee, Wis.

**LABEL IN PART:** (Bag) "Net wt. 6 oz. Butterscotch chips Packed by J. P.  
Fritz Candy Co., Inc., Newport, Minn. Ingredients \* \* \* Sweet Cream Butter,  
Milk Solids, \* \* \* Emulsifier."

**RESULTS OF INVESTIGATION:** The article was repacked by the dealer, from bulk  
stock labeled in part "Imitation Butterscotch Flavored Cookie Drops Ingredi-  
ents: Sweet Cream Buttermilk Solids \* \* \* Artificial Flavor, Lecithin \* \* \*,"  
and shipped as described above.