

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient. The lot labeled "Cocoanut Suckers" was alleged to be misbranded further in that it contained artificial flavoring and artificial coloring, and did not bear labeling stating that fact.

On October 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1499. Misbranding of candy. U. S. v. 10 Boxes and 10 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3357. Sample Nos. 15813-E, 15814-E.)

One lot of this candy was in metal-covered wooden boxes, 3 inches deep. The lower two-thirds of the box was divided into three compartments which, however, were empty, the candy being contained in the upper third of the box. The other lot was in cedar boxes which had an inverted cardboard tray in the bottom, which occupied about 27 percent of the lower part of the box and which was empty. The latter lot was also short of the weight declared on an attached punchboard. The boxes in both lots were unlabeled.

On November 7, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 10 boxes and 10 boxes of candy at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 1, 1940, by Di Giorgio Allegretto Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Make-Up Chest [or "Cedar Chest"] * * * Allegretto Assorted Chocolates."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor nor an accurate statement of the quantity of the contents; in that it failed to bear the common or usual name of the food; in that it was fabricated from two or more ingredients and failed to bear the common or usual name of each such ingredient; and in that the statement on the punchboard enclosed with the cedar chests, "two pounds of * * * Assorted Chocolates," was false and misleading since it was incorrect.

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1500. Misbranding of candy. U. S. v. 14, 19, and 4 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2285. Sample Nos. 33148-E, 33149-E, 33150-E.)

This product occupied approximately only 70 percent of the space in its container.

On June 27, 1940, the United States attorney for the District of New Jersey filed a libel against 37 boxes of candy at Union City, N. J., alleging that the article had been shipped in interstate commerce on or about June 11, 1940, by the Metro Chocolate Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, and filled as to be misleading. The article was labeled in part: "Metro Assorted Candy Drops"; "Metro Sour Lemon Drops"; or "Metro Wild Cherry Drops."

On September 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1501-1700

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *September 18, 1941.*

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BEVERAGES AND BEVERAGE MATERIALS

TEA

1501. Misbranding of tea bags. U. S. v. 31% Cartons of Tea Bags. Default decree of condemnation and destruction. (F. D. C. No. 2417. Sample No. 2820-E.)

The boxes containing this product were cellophane-wrapped and contained 25 tea bags in a glassine bag. The tea bags when placed in the box without the glassine bag occupied less than 60 percent of the space in the box. The quantity of the contents was less than the amount declared and the net weight statement was inconspicuously printed near the bottom of the box.

On or about July 25, 1940, the United States attorney for the District of Maine filed a libel against 31⁵/₆ cartons of tea bags at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by William S. Patterson Co., Inc., from Arlington, Mass.; and charging that it was misbranded. The article was labeled in part: (Boxes) "Maine Tea Co. Portland, Me. 25 Our Own Brand Tea Bags."

The article was alleged to be misbranded in that the statement "Net Weight 2 Ounces" was false and misleading since it was incorrect. It was alleged to be