so; and prayed that a preliminary injunction issue and that after due proceedings the preliminary injunction be made permanent.

On January 23, 1941, the defendant having consented, a preliminary injunction was granted; and on February 8, 1941, the defendant having admitted the allegations of the complaint and having consented to the entry of a decree, judgment was entered perpetually enjoining and restraining the defendant and anyone acting on his behalf from introducing and delivering for introduction in interstate commerce any candy or other food product that was adulterated within the meaning of the law.

3623. Action to enjoin and restrain distribution of Slend–R–Form, a misbranded candy. U. S. v. Riley Products, Inc., a corporation, and George C. Riley. Judgment ordering permanent injunction. (Inj. No. 15.)

On February 2, 1942, the United States attorney for the Northern District of Illinois filed a complaint against Riley Products, Inc., a corporation, and George C. Riley, an officer of said corporation, alleging that the defendants for several months past, and more particularly on or about October 28, 1940, had been introducing and delivering for introduction in interstate commerce, a product consisting of a drug and a food, labeled in part "Slend-R-Form the New Candy," alleging that it was in form and appearance ordinary caramel candy, that it was packed, distributed, and sold by the defendants in cardboard cartons which cartons and smaller cartons contained therein and accompanying circulars had printed thereon statements with reference to its efficacy and the quantity of administration thereof.

The complaint alleged further that the labeling of the article was false and misleading in that it created the impression in the minds of the purchaser that it was a reducing agent and that when consumed in the manner and in the quantity recommended in the labeling, it would be of substantial value in reducing body weight, whereas it contained no ingredients or combination of ingredients capable of producing the effects claimed for it as a reducing agent when consumed in accordance with the directions contained in the labeling.

The complaint alleged further that the defendants, unless restrained by the court, would continue to introduce and deliver for introduction in interstate commerce the said article or a similar article of food or drugs misbranded in the manner aforesaid; and prayed that they be permanently enjoined and restrained from doing so, and that a temporary restraining order and preliminary injunction issue. On the same date, the United States attorney filed a motion for an order to show cause why the defendants should not be enjoined and restrained during the pendency of the action.

On February 6, 1942, the court entered a preliminary injunction against the defendants pursuant to the prayer contained in the complaint.

On April 10, 1942, the cause having been called for a hearing, judgment was entered permanently enjoining and restraining Riley Products, Inc., George C. Riley, their agents, employees, and representatives and all others acting by or under their direction or authority or in active concert or participation with them from introducing or delivering for introduction in interstate commerce, the product labeled in part "Slend-R-Form, the New Candy" or a similar article of food or drug similarly labeled. It was provided further that the United States of America recover the costs of the action.

3624. Adulteration of candy. U. S. v. American Candy Manufacturing Co. Plea of guilty. Fine, $100. (F. D. C. No. 4166. Sample Nos. 35107–E, 35538–E, 35539–E, 35692–E, 99024–E to 99026–E, incl.)

Examination showed that this product was contaminated with rodent hairs, insect fragments, and miscellaneous filth.

On August 25, 1941, the United States attorney for the Southern District of Alabama filed an information against the American Candy Manufacturing Co., Selma, Ala., alleging shipment in interstate commerce within the period from on or about August 5, 1940, to on or about January 15, 1941, from the State of Alabama into the States of Louisiana, Florida, and Mississippi, of quantities of candy that was 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. The article was labeled in part: "Fairfield Candy Sticks," "Quick Seller," or "Mammoth Peanut Bar."

On June 24, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.