

and cornstarch, had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the names (box) "Old London Cheese Sandwiches" and (package) "Old London Waffle Cheese Sandwich", were false and misleading, and (2) in that the statement of ingredients required by the act to appear on the label or labeling 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, since the statement was printed on the bottom of the small packages and, as they were displayed, would have been invisible to the purchaser.

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution. Examination having showed that the product was unfit for human consumption it was destroyed by the marshal.

**4547. Adulteration and misbranding of cocktail cigarettes and misbranding of cocktail snacks. U. S. v. 9 Dozen Boxes of "Devonsheer Cheddar Filled Cocktail Cigarettes," and 15 $\frac{1}{2}$  Dozen Boxes of "Devonsheer Miniature Snacks for Cocktails." Default decree of condemnation and destruction. (F. D. C. No. 9214. Sample Nos. 18757-F, 18758-F.)**

The boxes containing the "Cigarettes" were so packed that the crackers occupied only 27.3 percent of the volume of the box. The filling in the crackers consisted of approximately 40 percent of cheese, 15 percent of a fat other than butterfat, and cornstarch, and was colored with a coal-tar color which gave it the appearance of containing more cheese than it did. The "Snacks" were contained in boxes which had wide folded sides and a  $\frac{3}{4}$ -inch wide divider through the center, which reduced the capacity of the box by 36.4 percent. The ingredients were not correctly stated.

On January 21, 1942, the United States attorney for the Southern District of New York filed a libel against the above-named products at New York, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about December 22 to 31, 1942, by the Devonsheer Melba Corporation, from West New York, N. J.

The "Cigarettes" were alleged to be adulterated (1) in that a valuable constituent, cheese, had been in whole or in part omitted; (2) in that a cracker containing a filling of cheese, fat other than butterfat, cornstarch, and artificial coloring had been substituted wholly or in part for a cheese filled cracker; (3) in that inferiority had been concealed by the addition of artificial coloring; and (4) in that edible fat other than butterfat, cornstarch, and coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The "Cigarettes" were alleged to be misbranded (1) in that the statement "Cheddar Filled." "Dehydrated Aged Cheddar Cheese," "Dainty Cheese-Bits," and "They are filled with deliciously blended cheese," borne on the labels, were false and misleading when applied to an article filled with a mixture containing only 40 percent cheese; and (2) in that their containers were so made, formed, and filled as to be misleading.

The "Snacks" were alleged to be misbranded (1) in that the word "Peanuts" in the labeling was false and misleading since no peanuts were present in the article; (2) in that their containers were so made, formed and filled as to be misleading; and (3) in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of each such ingredient, since cheese crackers were present and cheese was not listed as an ingredient.

On February 9, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

### CANDY AND SUGAR

Nos. 4548 to 4556 report legal actions involving candy. Samples examined were found to contain one or more kinds of filth such as rodent excreta fragments, rodent hairs, insects or insect fragments, and other filth.

**4548. Adulteration of candy. U. S. v. Ralph Viscione (Gloria Chocolate Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 7269. Sample Nos. 90437-E, 90439-E, 90668-E.)**

On July 13, 1942, the United States attorney for the District of Massachusetts filed an information against Ralph Viscione, trading as Gloria Chocolate Co. at Boston, Mass., alleging shipment on or about January 29 and February 7,

1942, from the State of Massachusetts into the States of Rhode Island and New Hampshire 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: "Ritz Package Assorted Chocolates," "Mary Morgan Assorted Chocolates \* \* \* Packed for Mary Morgan Chocolate Co. Boston, Massachusetts," or "Laura Lane Chocolates Hand Fashioned Specialties."

On March 16, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

**4549. Adulteration of candy. U. S. v. Harry Cooper (Cooper Candy Company). Plea of nolo contendere. Fine, \$100.** (F. D. C. No. 7678. Sample Nos. 48401-E, 48426-E, 48428-E to 48430-E, incl., 70781-E.)

On October 12, 1942, the United States attorney for the Northern District of Georgia filed an information against Harry Cooper, trading as Cooper Candy Company at Atlanta, Ga., alleging shipment in interstate commerce within the period from on or about March 9 to April 22, 1942, from the State of Georgia into the States of South Carolina and North Carolina 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: "Big Chief."

On March 5, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100.

**4550. Adulteration of candy. U. S. v. Toledo Candy Co. Plea of nolo contendere. Fine, \$100 and costs.** (F. D. C. No. 8792. Sample Nos. 4557-F, 4558-F, 4562-F, 4565-F, 4566-F, 4569-F.)

On February 16, 1943, the United States attorney for the Northern District of Ohio filed an information against the Toledo Candy Co., a corporation at Toledo, Ohio, alleging shipment on or about October 1 and 8, 1942, from the State of Ohio into the State of Indiana of a quantity 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: "Milk Caramel [or "Milk Vanilla," "Milk Butter Cream," or "Peanut Butter Chips"] Princess Chocolates," "Choc. Coc. M. M.," or "Butter Pecan Puff Imitation Maple Flavor."

On March 5, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

**4551. Adulteration of candy. U. S. v. Delbert D. Carney (D. D. Carney Candy Manufacturing Co.). Plea of guilty. Defendant placed on probation for a period of 3 years.** (F. D. C. No. 7271. Sample Nos. 5379-E, 79158-E, 79159-E.)

On October 22, 1942, the United States attorney for the Southern District of West Virginia filed an information against Delbert D. Carney, trading as D. D. Carney Candy Manufacturing Co. at Huntington, W. Va., alleging shipment on or about February 14 and December 13, 1941, from the State of West Virginia into the State of Kentucky of a quantity 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: "Horehound-120," or "Billy Boy Baseball Pops."

On May 14, 1943, defendant having entered a plea of guilty, the court placed the defendant on probation for a period of 3 years.

**4552. Adulteration of candy. U. S. v. 496 Boxes, 210 Boxes, and 360 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8471, 8491, 8492. Sample Nos. 17399-F to 17405-F, incl., 18143-F, 18144-F.)

On October 3 and 5, 1942, the United States attorneys for the District of Connecticut and the Southern District of New York filed libels against 496 boxes of candy at Meriden, Conn., 20 boxes at Middletown, Conn., and 360 boxes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 31, September 8, 9 and 14, 1942, by the Boston Candy Co. from Boston, Mass.; and charging that it 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: "Copely Assortment hand dipped Chocolates."