

"Libelant seeks more complete answer to interrogatories numbered 5, 8 and 19.

"These interrogatories read :

'5. If any answer to the preceding four interrogatories is any but an unqualified affirmative response, state in detail what claimant contends the true facts to be.

'8. If the answers to the preceding two interrogatories are any but unqualified affirmative responses, state in full what claimant contends the true facts to be and the name and address of the person having personal knowledge as to the truth of such responses.

'19. If the answer to the preceding interrogatory is any but an unqualified affirmative response, state in detail what claimant alleges the true facts to be.'

"In answering interrogatory numbered 5 defendant states that Exhibits C and D are not a true and accurate copy of the carton or package of Lik-M-Aid used prior to the designed carton under seizure.

"In answering interrogatory numbered 8 defendant refers back to its answer to interrogatory numbered 7, which is :

'Yes, however, the carton is designed simply as a display carton and not to be sold as a unit to the consumer.'

"In answering interrogatory numbered 19 defendant states :

'Strips are sold with three or four envelopes.'

"In its brief libelant states that the claimant should identify the packages and cartons as to the period of time they were in use as requested by its interrogatory; that claimant should state as called for in the interrogatories the name and address of the person having personal knowledge of facts; and that by interrogatory numbered 19 it seeks to ascertain the quantity of contents in terms of weight.

"If libelant desires to have the information it seeks as explained in its brief concerning interrogatories numbered 5, 8 and 19, it could have asked interrogatories which would require the specified information rather than in the manner in which it did, wherein it asked that the defendant state the true facts in detail. In answering such an interrogatory a great burden is placed upon the answering party which could so easily be avoided if the specific information desired had been set out.

"If the libelant seeks additional information as shown in its brief concerning interrogatories numbered 5, 8 and 19, it could obtain such information by submitting interrogatories asking specifically the information it apparently seeks. Its motion for more complete answers to interrogatories numbered 5, 8 and 19 will be denied."

On 12-21-64, a consent decree of condemnation was filed which permitted the articles to be released under bond to the claimant for shipment or delivery at its own expense to an organization agreeable to the Food and Drug Administration for charitable distribution of the article and not for resale, with the understanding that the organization receiving the goods be informed that the goods were not labeled with the information required by the Federal Food, Drug, and Cosmetic Act.

29926. Stuckey's Crunch (candy). (F.D.C. No. 49917. S. No. 704 A.)

QUANTITY: 198 cans at Apopka, Fla.

SHIPPED: 1-7-64, from Eastman, Ga., by Stuckey's, Inc.

LABEL IN PART: (Can) "Stuckey's Old Fashioned nut-butter crunch * * * 12 Ounces Net * * * Ingredients: * * * Stuckey's Eastman, Georgia."

LIBELED: 3-16-64, M. Dist. Fla.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 6-10-64. Default—destruction.