

LABEL IN PART: (Candy bar) "Caramel Marshmallow Bar Net Weight 1 $\frac{3}{4}$ Oz. * * * Made by: The Chocolate House, Inc., Milwaukee, Wisconsin."

RESULTS OF INVESTIGATION: Examination showed that the article was 5.7 percent short weight.

LIBELED: 10-25-65, E. Dist. Va.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 11-24-65. Default—delivered to a public institution for human consumption.

30637. Butter mints. (F.D.C. No. 50565. S. No. 54-626 A.)

QUANTITY: 103 cases, each containing 24 8-oz. bags, at Topeka, Kans.

SHIPPED: 8-13-64, from Philadelphia, Pa., by Thomas D. Richardson Co.

LABEL IN PART: (Bag) "Tru-Vu Brand Butter Mints * * * Distributed by The Fleming Company, Inc. * * * Topeka, Kansas."

RESULTS OF INVESTIGATION: Examination showed the article to be small, square, pale-yellow colored candy mints contained in a clear plastic bag, on which the distributor's name and address, the quantity of contents statement, and the statement of the ingredients was printed in white ink which was inconspicuous against the product in the bag.

LIBELED: 9-15-64, Dist. Kans.

CHARGE: 403(f)—when shipped, the information required to appear on the label under 403(e)(1) and (2), and 403(i)(2), namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents statement, and the common or usual name of each ingredient, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to have rendered it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 11-27-64. Consent—claimed by the Fleming Co., Inc., and repackaged and relabeled.

30638. Candy. (F.D.C. No. 52500. S. No. 75-049/50 B.)

QUANTITY: 52 cases, each containing 36 8-oz. pkgs., at Milwaukee, Wis.

SHIPPED: 3-15-66 and 3-21-66, from Chicago, Ill., by Charland Candy Manufacturing Co.

LABEL IN PART: (Pkg.) "Barg & Foster Old Fashioned Sheet Caramel * * * Packed By Barg & Foster Candy Co., Milwaukee 4, Wis."

LIBELED: 4-19-66, E. Dist. Wis.

CHARGE: 402(a)(3)—contained cat hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-26-66. Consent—destruction.

30639. Candy for ice cream flavoring. (F.D.C. No. 52019. S. No. 42-489 B.)

QUANTITY: 8 30-lb. ctns. at Kosciusko, Miss.

SHIPPED: 10-27-65, from Fort Worth, Tex., by Parker's Products, Inc.

LABEL IN PART: (Ctn.) "Pangburn's Candy Ice Cream Flavors * * * Lemon Flake * * * Distributed by Parker's Products, Inc., * * * Fort Worth 9, Texas."

LIBELED: 12-17-65, N. Dist. Miss.

CHARGE: 402(a)(3)—contained rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-9-66. Default—destruction.

SUGAR*

30640. Granulated sugar. (F.D.C. No. 51401. S. No. 11-119 B.)

QUANTITY: 33 100-lb. bags, at Olympia, Wash., in possession of Stones Candy Cane Co.

SHIPPED: 2-24-65, from San Francisco, Calif.

LIBELED: 5-28-65, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-8-65. Consent—destruction.

30641. Sugar and coffee. (F.D.C. No. 51225, S. Nos. 6-251/52 A.)

INFORMATION FILED: 6-21-65, E. Dist. Va., against Lambert's Point Docks, Inc., a corporation, and Samuel D. Adsit, Jr., secretary, Norfolk, Va.

ALLEGED VIOLATION: Between 3-16-62 and 12-21-64, while quantities of sugar and coffee were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent excreta and rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: On 5-26-66, the case came on for trial by jury and court. On 5-26-66, the jury returned a verdict of not guilty.

SIRUP

30642. Sorghum sirup. (F.D.C. No. 50930. S. Nos. 95-142/3 A.)

QUANTITY: 90 cases, each containing 12 4½-lb. cans, and 83 cases, each containing 12 1-qt. jars, at Scott City, Mo.

SHIPPED: Between 8-1-64 and 10-14-64, from West Monroe, La., by Roy McClain.

LABEL IN PART: (Can) "New Crop Country Sorghum Made For Roy McClain * * * Carthage, Mo."; and (jar) "Country Sorghum Made For Roy McClain * * * Carthage, Mo."

LIBELED: 1-28-65, E. Dist. Mo.

CHARGE: 402(b)(2)—when shipped, a sweetening substance other than sorghum sirup had been substituted wholly or in part for sorghum sirup; and 403(a)—the label statement "Sorghum" was false and misleading as applied to a product containing a sweetening substance other than sorghum sirup.

DISPOSITION: 3-1-65. Default—delivered to a charitable institution.

*See also No. 30633.