

CHARGE: 402(a)(3)—portions of the articles contained insects, insect webbing, larvae, cast skins, and excreta; and 402(a)(4)—all lots of the articles were held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 11-22-63. \$1,000 fine against the defendants jointly.

29136. **Chocolate candy.** (F.D.C. No. 46945. S. No. 4-714 T.)

QUANTITY: 61 cases, each containing 24 bags, at Norfolk, Va.

SHIPPED: 1-12-62, from Chattanooga, Tenn., by Brock Candy Co.

LABEL IN PART: (Bag) "Big Star Chocolate Bridge Mix * * * Net Wt. 9 oz. Distributed by Colonial Stores Incorporated, Atlanta, Georgia."

RESULTS OF INVESTIGATION: The article consisted of brown-colored pieces of candy of various sizes contained in a clear plastic bag. The mandatory information was printed on the bag in small print in brown-colored ink, and was inconspicuous because of the brown-colored candy in the background.

LIBELED: 1-29-62, E. Dist. Va.

CHARGE: 403(f)—when shipped, the information required to appear on the label under 403(e)(1) and (2), 403(i)(2), and 403(k), namely, the distributor's name and address and the quantity of contents statement, the common or usual name of each ingredient, and the statement of artificial color and flavor was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: The article was claimed by the Brock Candy Co., Chattanooga, Tenn. The Government filed written interrogatories on 4-30-62, which were answered by the claimant on 6-13-62. On 2-15-63, a decree of condemnation was entered and the article was destroyed.

29137. **Fruit-filled candy.** (F.D.C. No. 49210. S. No. 7-299 X.)

QUANTITY: 16 cases, each containing 24 bags, at Boston, Mass.

SHIPPED: 6-26-63, from Inwood, N.Y., by A&F Candy Manufacturing Co., Inc.

LABEL IN PART: (Bag) "A&F American's Finest Candies Assorted Fruit Filled Ingredients * * * Net Wt. 14 Oz. A&F Candy Mfg. Co., Inwood 96, N.Y."

RESULTS OF INVESTIGATION: The articles were approximately 4 percent short weight.

LIBELED: 7-31-63, Dist. Mass.

CHARGE: 403(e)(2)—when shipped, the label statement "Net Wt. 14 Oz." was inaccurate.

DISPOSITION: 10-14-63. Default—ordered destroyed or given to a charitable institution.

29138. **Salt water taffy.** (F.D.C. No. 48779. S. No. 21-187 V.)

QUANTITY: 720 cases, each containing 12 15-oz. bags, at Spokane, Wash.

SHIPPED: 5-3-63, from Salt Lake City, Utah, by Glade Candy Co.

LABEL IN PART: (Bag) "Powers Salt Water Taffy."

LIBELED: 5-17-63, E. Dist. Wash.

CHARGE: 403(e)(1)—when shipped, the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: 6-3-63. Consent—claimed by Powers Candy & Nut Co., and relabeled.

EGGS

29139. Frozen eggs. (F.D.C. No. 48949. S. No. 8-033 V.)

QUANTITY: 204 30-lb. cans, at Lowell, Mass.

SHIPPED: 3-14-63, from Brooklyn, N.Y., by Quality Egg Co., Inc.

LABEL IN PART: (Can) "Whole Eggs Malto-Dextrin Added * * * Packed by Quality Egg Co. Inc. * * * Brooklyn 26, N.Y."

LIBELED: 5-3-63, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 6-13-63. Consent—claimed by Quality Egg Co., Inc. Segregated; 19 cans destroyed.

29140. Frozen eggs. (F.D.C. No. 49095. S. Nos. 97-077/78 V.)

QUANTITY: 405 40-lb. cans, at Brooklyn, N.Y., in possession of Peterson Packing Corp.

SHIPPED: 3-20-63 and 4-17-63, from San Leandro, Calif.

LABEL IN PART: "Peterson Packing Corp. 187 Duane St. NY Whole Eggs."

RESULTS OF INVESTIGATION: The eggs had been prepared in part from frozen whole eggs, shipped as described above.

LIBELED: 7-30-63, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 8-28-63. Consent—claimed by Peterson Packing Corp., and denatured.

29141. Frozen eggs. (F.D.C. No. 46081. S. No. 56-789 R.)

QUANTITY: 62 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-8-61, from Newton, Kans., by Hurst Foods, Inc.

LABEL IN PART: "Frozen Whole Eggs * * * Packed by Hurst Foods Inc., Newton, Kansas."

LIBELED: 7-24-61, E. Dist. N.Y.

CHARGE: 402(a)(3)—the article was unfit for food since it had a musty odor when shipped.

DISPOSITION: 9-11-61. Consent—claimed by Hurst Foods, Inc. Segregated; 9 cans destroyed.

29142. Frozen eggs. (F.D.C. No. 49257. S. Nos. 39-189/90 X.)

QUANTITY: 953 30-lb. cans, at Brooklyn, N.Y.

SHIPPED: 7-24-63 and 8-6-63, from Gainesville, Ga., by Hollis Grain Co.

LABEL IN PART: "Blue Ridge Egg Co. Whole Eggs * * * Blairsville, Ga."

LIBELED: 9-13-63, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 10-4-63. Consent—claimed by Bender-Goodman Frozen Foods, Inc., New York, N.Y., and denatured.