

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

**DISPOSITION:** 11-20-61. Consent—claimed by Howard B. Stark Co., Pewaukee, Wis., and released under bond for relabeling.

**27687. Candy.** (F.D.C. No. 46977. S. No. 30-365 T.)

**QUANTITY:** 49 cases, 24 bags each, at Culver City, Calif.

**SHIPPED:** 12-7-61, from Weehawken, N.J., by Sweets Co. of America, Inc.

**LABEL IN PART:** (Bag) "Rockwood Rocklets Coconut Net Weight 4 Ozs. Milk Chocolate \* \* \* Manufactured by Rockwood & Co., Brooklyn 5, N.Y." and (case) "24 Count Cello Bags Milk Chocolate Coconut Rocklets \* \* \* Rockwood Chocolate Co., Inc. \* \* \* 265."

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

**LIBELED:** 1-9-62, S. Dist. Calif.

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

**DISPOSITION:** 1-31-62. Default—delivered to a charitable institution.

**27688. Raspberry laces (candy), glace cherries, chili peppers, chili powder, and herbs.** (F.D.C. No. 46946. S. Nos. 49-175/6 T, 49-179 T, 49-505/6 T.)

**QUANTITY:** 408 bags of raspberry laces; 324 bags of cherries; 4,492 bags of chili peppers; 1,776 bags of chili powder; and 1,404 bags of herbs, at San Francisco, Calif., in possession of Desert Sun Co.

**SHIPPED:** Between 12-23-60 and 11-3-61, and on unknown dates, from New York, N.Y., Forest Grove, Oreg., and outside the United States.

**LABEL IN PART:** (Bag) "Peter Pan Brand Raspberry Laces \* \* \* Net Wt. 4½ Oz. Packed by Desert Sun Co. San Francisco, Calif.;" "Desert Sun Glacé Cherries \* \* \* Packed by Desert Sun Co. \* \* \* Net Wt. 2½ Oz.;" "Desert Sun Chili Peppers \* \* \* Net Wt. ½ Oz. Packed by Desert Sun Co.;" "Desert Sun Chili Powder \* \* \* Packed by Desert Sun Co.;" and "Desert Sun Italian Herbs \* \* \* Packed by Desert Sun Co."

**RESULTS OF INVESTIGATION:** The articles were repacked into bags by the dealer from bulk lots shipped as described above. The articles were contained in clear plastic bags and the information required to appear on the labels was inconspicuous due to being printed in small type, in ink of a color which did not contrast with the product in the background. Examination showed that the chili peppers contained insects.

**LIBELED:** 1-31-62, N. Dist. Calif.

**CHARGE:** 402(a)(3)—while held for sale, the article (chili peppers) contained insects; 403(f)—the information required to appear on the label under 403(e)(2), (i)(2) (all lots except chili peppers), and 403(k) (raspberry laces), namely, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavorings and color, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(a)—the name "raspberry laces" was misleading as applied to a product containing artificial raspberry flavor and color.

DISPOSITION: 3-2-62. Default—the chili peppers were destroyed; the other articles were delivered to a charitable organization.

27689. Chocolate-covered peanuts. (F.D.C. No. 46233. S. No. 61-307 R, 61-477 R.)

QUANTITY: 107 cases, 12 bags each, at Bellevue, Wash.

SHIPPED: 7-6-61 and 8-1-61, from San Jose, Calif., by Safeway Stores, Inc.

LABEL IN PART: (Bag) "Roxbury Chocolate Peanuts Ingredients: Milk Chocolate with added emulsifier, Peanuts, Sugar, Cocoa, Corn Syrup, Salt Distributed by Safeway Stores, Incorporated—Head Office, Oakland, California Net Wt. 8 Oz."

RESULTS OF INVESTIGATION: Examination showed the article to be peanuts with a chocolate-flavored coating. Mandatory information was printed on the label in small, brown-colored letters and was inconspicuous because of peanuts in the background.

LIBELED: 8-8-61, W. Dist. Wash.; amended libel 8-10-61.

CHARGE: 403(a)—when shipped, the label statement "Chocolate Peanuts" was false and misleading as applied to the article which was coated with a mixture composed of milk chocolate and cocoa; and 403(f)—the information required by 403 (e) and (i) (2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-12-62. Default—delivered to a public institution for use as animal feed.

27690. Chocolate-covered mint patties. (F.D.C. No. 46813. S. No. 14-347 T.)

QUANTITY: 56 cases, each containing 12 display ctns., each ctn. containing 120 individually wrapped pieces of candy, at Forest Park, Ill.

SHIPPED: 11-21-61, from St. Paul, Minn., by Pearson Candy Co.

LABEL IN PART: (Candy) "Pearson's Chocolate Covered Mint Ingredients \* \* \* Pearson Candy Company St. Paul, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the statement of ingredients on the display carton did not agree with the statement on the individual candy wrapper; that each piece of candy was individually wrapped in silver foil paper and the manufacturer's name and address and the ingredients statements were difficult to read due to being printed in small type in green ink on the highly reflective silver-colored wrapper, so as to be inconspicuous; also such information was partially hidden due to folding over corners of the square wrapper to cover a round piece of candy.

LIBELED: 1-3-62, N. Dist. Ill.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1) and (i) (2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the article