

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

**DISPOSITION:** 8-31-61. Default—delivered to a charitable institution.

**27475. Candy mints.** (F.D.C. No. 46210. S. No. 69-960 R.)

**QUANTITY:** 41 cases, 24 bags each, at Philadelphia, Pa.

**SHIPPED:** 6-28-61, from Cambridge, Mass., by New England Confectionery Co.

**LABEL IN PART:** (Bag) "Necco Canada Mints Ingredients—Net Weight 8 Ozs.—New England Confectionery Co., Cambridge, Mass."

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

**LIBELED:** 8-1-61, E. Dist. Pa.

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

**DISPOSITION:** 8-30-61. Default—delivered to a charitable institution.

**27476. Candy suckers.** (F.D.C. No. 46196. S. No. 91-905 R.)

**QUANTITY:** 149 cases, each containing 25 lbs. of individually wrapped candy suckers, at Jamaica, Long Island, N.Y.

**SHIPPED:** 6-8-61, from Pawtucket, R.I., by E. Rosen Co.

**LABEL IN PART:** (Case) "1203 Item 78 \* \* \* Eppy Pops E. Rosen Company, Pawtucket, R.I."

**LIBELED:** 7-31-61, E. Dist. N.Y.

**CHARGE:** 402(a) (1)—when shipped, the article contained an added deleterious substance, namely, plastic sticks, which may render it injurious to health; and 402(d)—the article was confectionery and it contained a nonnutritive substance, namely, plastic sticks.

**DISPOSITION:** 8-29-61. Default—destruction.

**27477. Wolch's butter mints.** (F.D.C. No. 45919. S. No. 59-504 R.)

**QUANTITY:** 699 cases, 36 cellophane bags each, at Chicago, Ill.

**SHIPPED:** 4-28-61, from Sharonville, Ohio, by Kern Foods, Inc.

**LABEL IN PART:** (Bag) "Wolch's Fresh Pac Plain [or "Cherry," "Molasses," "Orange," "Chocolate Chip," or "Mint Julep"] Butter Mints made with Pure Creamery Butter Ingredients: \* \* \* Hydrogenated Vegetable Oil, Butter \* \* \* Net Weight 8 Ounces Packed for Wolch Nut & Candy Co. Chicago, Illinois by Wolch Nut & Candy Co."

**RESULTS OF INVESTIGATION:** Examination showed the product to be small, oval-shaped pieces of candy of various flavors and colors, containing less than 1 percent butterfat.

**LIBELED:** 5-31-61, N. Dist. Ill.

**CHARGE:** 403(a)—when shipped, the name "Butter Mints," the label statement "made with Pure Creamery Butter," and the vignette showing a cube of melting butter, were misleading, since they suggested a significantly higher butter content than was present in the product, and since the butter flavor was due primarily to artificial butter flavor; and 403(f)—the ingredient and net weight statements were not prominently placed on the label with such

conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 7-13-61. Consent—claimed by Wolch's Nut & Candy Co.; re-packed and relabeled.

27478. Peanut brittle mix. (F.D.C. No. 46307. S. No. 88-686 R.)

QUANTITY: 1,418 cases, 12 boxes each, each box containing 3 envelopes of ingredients, at Davenport, Iowa.

SHIPPED: 3-6-61, from Moline, Ill., by Fresh Pak Candy Co.

LABEL IN PART: (Box) "New Easy to make Thinshell Peanut Brittle Mix \* \* \* Net Wt. 16¼ Oz. \* \* \* Easy Instructions \* \* \* A Product of Lusk Candy Co., Davenport, Iowa."

LIBELED: 8-18-61, S. Dist. Iowa.

CHARGE: 403(f)—when shipped, the information required to appear on the label within the meaning of 403(e)(2) and (i)(2), namely, an accurate statement of the quantity of the contents, 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 render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-18-61. Consent—claimed by Fresh Pak Candy Co., and relabeled.

27479. Tootsie Rolls. (F.D.C. No. 46201. S. No. 49-293 R.)

QUANTITY: 137 ctns., 24 pkgs. of 6 individually wrapped candy rolls each, at Chicago, Ill.

SHIPPED: 5-29-61, from Hoboken, N.J., by Sweets Co. of America, Inc.

LABEL IN PART: (Pkg.) "Multi-Pak Net Weight 9 Oz. \* \* \* Tootsie Rolls \* \* \* The Sweets Company of America, Inc., Hoboken, New Jersey."

RESULTS OF INVESTIGATION: Examination showed that the packages of 6 candy rolls each were short weight.

LIBELED: 8-1-61, N. Dist. Ill.

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

DISPOSITION: 8-30-61. Default—delivered to a charitable institution.

#### SIRUP AND SUGAR

27480. Sirup. (F.D.C. No. 46175. S. No. 80-798 R.)

QUANTITY: 45 cases, 12 jars each, at Birmingham, Ala.

SHIPPED: 4-3-61, from New Orleans, La., by Anheuser-Busch, Inc.

LABEL IN PART: (Case) "12/1 Quart Decanters \* \* \* Delta Syrup Anheuser-Busch, Inc. St. Louis, Mo. New Orleans, La." and (jar) "Delta Syrup Net Contents 1 Quart \* \* \* Manufactured by Anheuser-Busch, Inc., St. Louis, Mo. New Orleans, La."

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