

8155. Adulteration of candy. U. S. v. 110 Boxes of Candy (and 1 other seizure action against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 16037, 16177. Sample Nos. 4715-H, 12920-H, 14512-H to 14514-H, incl.)

LIBELS FILED: April 16 and May 14, 1945, District of New Jersey and Southern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of February 21 and April 10, 1945, by J. Ralph Kirkley, Inc., from Philadelphia, Pa.

PRODUCT: 110 1-pound boxes of candy at Camden, N. J., and 17 5-pound boxes, 53 12-ounce packages, 55 1-pound packages, and 11 boxes, each containing 40 bars, of candy at Dayton, Ohio.

LABEL, IN PART: "Kirkley's Kernels [or "Krunch Kandies," "Soya Butter Crunch," or "Chocolates * * * The Floral Box"]," or "40 Count Kirkleys Chocolate Kernel Bars."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, cat hair fragments, and cat hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 8 and 26, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8156. Adulteration of candy. U. S. v. 36 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 16078. Sample No. 4453-H.)

LIBEL FILED: April 30, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 10, 1945, by H. Segal, from Philadelphia, Pa.

PRODUCT: 36 boxes, each containing 48 pieces, of candy at Camden, N. J.

LABEL, IN PART: "H. Segal's Chocolate Fudge."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8157. Adulteration of candy. U. S. v. 58 Boxes of Candy. Default decree ordering product converted into animal feed or destroyed. (F. D. C. No. 16207.) Sample No. 18658-H.)

LIBEL FILED: May 20, 1945, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of January 26 and March 2, 1945, by Paula's Lebkuchen, From New York, N. Y.

PRODUCT: 46 1-pound boxes and 12 ½-pound boxes of candy at Minneapolis, Minn.

LABEL, IN PART: "Paula's Celebrated Chocolate Rum Truffle [or "Chocolate Truffle," or "Assorted Rum-Truffle & Marzipan Candies"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and webbing.

DISPOSITION: August 16, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed unless processed into animal feed, under the supervision of the Food and Drug Administration.

8158. Adulteration of candy. U. S. v. 39 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 16759. Sample No. 28495-H.)

LIBEL FILED: June 28, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about April 24, 1945, by the Arthur Mayer Co., from Jersey City, N. J.

PRODUCT: 39 cases, each containing 10 5-pound boxes, of candy at Tacoma, Wash. Examination showed that the product was fermented.

LABEL, IN PART: "Peanut Pieces Mfd. By Leading Candy Co., New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8159. Adulteration and misbranding of candy. U. S. v. 39 Boxes and 78 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 16337. Sample Nos. 632-H, 633-H.)

LIBEL FILED: June 6, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 11, 1945, by F. H. Seelye, from Charlotte, N. C.

PRODUCT: 39 boxes, each containing 30 bars, and 78 boxes, each containing 120 pieces, of candy at Atlanta, Ga.

LABEL, IN PART: "United Candies Chocolate Bar [or "Chocolate Square"] * * * United Candy Co., Charlotte, N. C."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, chocolate, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a) the names "Chocolate Bar" and "Chocolate Square" were false and misleading since the article contained no chocolate; and, Section 403 (k), it contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: July 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8160. Adulteration and misbranding of candy. U. S. v. 37 Cases and 20 Cases of Candy. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15927. Sample Nos. 27443-H, 27444-H.)

LIBEL FILED: April 24, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about March 7 and 12, 1945, by the California Fruit Chimes Co., from San Gabriel, Calif.

PRODUCT: 37 cases, each containing 48 5-ounce packages, and 20 cases, each containing 24 1-pound packages, of candy at Medford, Oreg. Examination showed that the packages contained irregular pieces of candy, leaving an excessive amount of unfilled space in the packages.

LABEL, IN PART: "Spanish Nut Toffee * * * Made with Sugar, Puffed Rice, Peanuts."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture containing peanuts and puffed rice had been substituted for Spanish nut toffee, which the article was represented to be.

Misbranding, Section 403 (d), the container was so filled as to be misleading since there was an excessive amount of unfilled space in the package, and thus the package appeared to hold more candy than was actually present.

DISPOSITION: June 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

8161. Misbranding of candy. U. S. v. 76 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 16477. Sample No. 27400-H.)

LIBEL FILED: June 18, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about May 1, 1945, via automobile of Western Candy Co., Portland, Oreg.

PRODUCT: 76 boxes, each containing 60 cartons, of candy at Vancouver, Wash.

LABEL, IN PART: "Black Beauties English Style Licorice Candy."

VIOLATION CHARGED: Misbranding Section 403 (d), the container of the product was so filled as to be misleading since at least three additional pieces of candy could have been placed therein.

DISPOSITION: July 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

8162. Misbranding of candy. U. S. v. 249 Cases of Candy. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16631. Sample No. 7085-H.)

LIBEL FILED: June 20, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 17, 1945, by Nat Newman, Inc., from Atlantic City, N. J.