

**ALLEGED SHIPMENT:** On or about March 23 and 31, 1945, by J. Ralph Kirkley, Inc., from Philadelphia, Pa.

**PRODUCT:** 45 boxes, each containing 40 bars, and 2 cases, each containing 48 1-pound boxes, of candy at St. Louis, Mo.; and 54 5-pound boxes of candy at New Rochelle, N. Y.

**LABEL, IN PART:** "Kirkley's Chocolate Kernel Bars 5¢," "Kirkley's Kernels Chocolate Covered Assorted Nuts," or "Fine Filled 'Art' Candies Kirkley's Krunch Kandies."

**NATURE OF CHARGE:** 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 hairs, and cat hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 15 and 23, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**9047. Adulteration of candy. U. S. v. 9 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 15851. Sample No. 22916-H.)**

**LIBEL FILED:** April 18, 1945, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about February 20, 1945, by the Big "D" Candy Co., from Dallas, Tex.

**PRODUCT:** 9 cases, each containing 24 boxes of 16 10-cent rolls, of candy at St. Louis, Mo.

**LABEL, IN PART:** "Big-D Pecan Roll."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (d), it was confectionery and it contained a non-nutritive substance, mineral oil.

**DISPOSITION:** May 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9048. Adulteration of hard candy. U. S. v. 38 Cartons and 15 Cartons of Hard Candy. Default decree of condemnation and destruction. (F. D. C. No. 16304. Sample No. 11019-H.)**

**LIBEL FILED:** May 31, 1945, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 7, 1945, by the Pioneer Specialty Co., from Brooklyn, N. Y.

**PRODUCT:** 38 35-pound cartons and 15 39-pound cartons of hard candy at Lawrence, Mass. Examination showed that the product was hard candy shaped like footballs, and that broken lollypop sticks were imbedded in the candy.

**LABEL, IN PART:** "Unwrapped Footballs."

**NATURE OF CHARGE:** Adulteration, Section 402 (d), the product was confectionery and it contained a nonnutritive article, a wooden stick. Some of the sticks had been broken off flush with the candy and others extended  $\frac{3}{4}$  inch out of the candy.

**DISPOSITION:** July 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9049. Adulteration and misbranding of candy. U. S. v. 790 Boxes of Candy (and 4 other seizure actions against candy). Default decrees of condemnation. Portion of the product ordered destroyed; remainder ordered delivered to charitable institutions. (F. D. C. Nos. 16017, 16095, 16096, 16200, 16201. Sample Nos. 6970-H, 6971-H, 12919-H, 23946-H, 23947-H.)**

**LIBELS FILED:** Between May 1 and 16, 1945, Northern District of Alabama, Southern District of Ohio, and District of New Jersey.

**ALLEGED SHIPMENT:** Between the approximate dates of March 7 and April 4, 1945, by the Tower Candy Co., from Philadelphia, Pa.

**PRODUCT:** 790 boxes at Birmingham, Ala., 274 boxes at Ensley, Ala., 194 boxes at Jersey City, N. J., 194 boxes at Newark, N. J., and 192 boxes at Dayton, Ohio, each box containing 1 pound of candy.

**LABEL, IN PART:** "Gold Brand Pecan Cream Loaf [vignette of a sliced loaf of candy containing numerous large pieces of pecan]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, pecans, had been in part omitted from the article.

Misbranding, Section 403 (a), the name "Pecan Cream Loaf" and the vignette of a sliced loaf of candy containing numerous large pieces of pecan were misleading as applied to the article, which contained a small number of widely scattered pecan fragments.

**DISPOSITION:** Between June 16 and August 13, 1945, no claimant having appeared, judgments of condemnation were entered and it was ordered that the Ohio lot be destroyed and that the other lots be delivered to charitable institutions.

**9050. Misbranding of candy. U. S. v. 13 Cartons of Mint Chewees. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16178. Sample No. 28734-H.)**

**LIBEL FILED:** June 11, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about April 19, 1945, by the Walter A. Hewitt Candy Co., from Los Angeles, Calif.

**PRODUCT:** 13 cartons, each containing 34 boxes, of Mint Chewees at Seattle, Wash. Examination showed that the product was short-weight.

**LABEL, IN PART:** "Capt'n Kid Pleasure Chest Mint Chewees 1 Lb. Net Weight."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of its contents.

**DISPOSITION:** July 23, 1945. The Walter A. Hewitt Candy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**9051. Misbranding of candy. U. S. v. 48 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 15830. Sample No. 28180-H.)**

**LIBEL FILED:** March 30, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about February 1, 1945, by the House of Merrick, from Chicago, Ill.

**PRODUCT:** 48 cases, each containing 33 or 44 packages, of candy at Tacoma, Wash. Examination showed that the product was short of the declared weight.

**LABEL, IN PART:** (Packages) "Bertha Whitworth's Early American Confections Net Weight 10 oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** April 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### COCOA AND MISCELLANEOUS SACCHARINE PRODUCTS

**9052. Adulteration of cocoa. U. S. v. 1 Drum of Cocoa. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15894. Sample No. 17431-H.)**

**LIBEL FILED:** April 20, 1945, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 2, 1945, by the Ambrosia Chocolate Co., from Milwaukee, Wis.

**PRODUCT:** 1 200-pound drum of cocoa at Chicago, Ill.

**LABEL, IN PART:** "Ambrosia Brand Dutch Process Cocoa."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

**DISPOSITION:** On January 29, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 12, 1945, the order was amended to permit the product to be delivered to a public institution, for use as animal feed.