

ALLEGED SHIPMENT: November 24 and December 7, 1944, and January 6, 1945, from the State of California into the States of Oregon and Washington.

LABEL, IN PART: "10¢ Candy 10¢," "10¢ Pretzels 10¢," or "New Crop California 10¢ Almonds 10¢."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, and a hair fragment resembling a rodent-type hair fragment; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 5, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250 on each of 3 counts.

10252. Adulteration and misbranding of candy. U. S. v. Joe Franklin Myers (Joe Franklin Myers Industries). Plea of nolo contendere. Fine, \$100 on count 1; imposition of sentence withheld on count 2. (F. D. C. No. 14298. Sample No. 60938-F.)

INFORMATION FILED: On or about June 21, 1945, Northern District of Texas, against Joe Franklin Myers, trading as the Joe Franklin Myers Industries, Dallas, Tex.

ALLEGED SHIPMENT: On or about June 12, 1944, from the State of Texas into the State of Louisiana.

LABEL, IN PART: "Smile Sticks * * * net weight: 8 oz. or over."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, carotene (vitamin A), had been in whole or in part omitted or abstracted from the article, since it was represented to contain in each pound 800 or more U. S. P. Units of carotene, whereas it contained in each pound not more than 50 U. S. P. Units of carotene.

Misbranding, Section 403 (a), the statement in the labeling of the article, "800 or more U. S. P. units of carotene (vitamin A) * * * to each pound," was false and misleading; and the label statement "Ingredients: * * * Vitamins A" was false and misleading since it represented and created the impression that the article would supply the user with substantial amounts of vitamin A, whereas the article would not supply substantial amounts of vitamin A, since 8 ounces of the article would supply not more than 1 percent of the minimum adult daily requirement for vitamin A.

Further misbranding, Section 403 (e) (1), the label of the article bore no statement containing the name and place of business of the manufacturer, packer, or distributor. Section 403 (j), the article purported to be and was represented for special dietary uses by reason of its vitamin properties in respect to vitamin A, vitamin B₁ (thiamine), vitamin C (ascorbic acid), riboflavin (vitamin B₂ and vitamin G), niacin, and pantothenic acid, and by reason of its mineral properties in respect to calcium, phosphorus, and iron; and its label did not bear, as required by regulations, a statement of the proportion of the minimum daily requirement of vitamin A, vitamin B₁, vitamin C, riboflavin, calcium, phosphorus, and iron, and a statement of the quantity of niacin and pantothenic acid, which would be supplied by the article when consumed in an amount customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable for consumption in such period.

DISPOSITION: June 21, 1945. A plea of nolo contendere having been entered, the court imposed a fine of \$100 on count 1 of the information charging adulteration and withheld the imposition of sentence on count 2 charging misbranding.

10253. Adulteration of candy. U. S. v. The Mackenzie Candy Co. Plea of guilty. Fine, \$4,000. (F. D. C. No. 16624. Sample Nos. 10547-H, 12818-H, 12819-H, 14698-H, 17649-H.)

INFORMATION FILED: December 29, 1945, Northern District of Ohio, against the Mackenzie Candy Co., a corporation, Cleveland, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of July 2 and 19, 1945, from the State of Ohio into the States of Pennsylvania, Indiana, and Michigan.

LABEL, IN PART: "Mackenzie's Old Hickory Fudge," or "Mackenzie's Nut-Mac Chocolate Covered Nut Fudge."