17605. Adulteration of candy Easter eggs. U. S. v. 190 Boxes, etc. (F. D. C. No. 30857. Sample Nos. 10967–L to 10971–L, incl.)

LIBEL FILED: March 21, 1951, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about February 16, 1951, by E. W. McDonnell, Inc., from Cincinnati, Ohio.

PRODUCT: 480 ½-pound boxes, 686 12-ounce boxes, and 142 2-ounce boxes of candy Easter eggs at Covington, Ky.

LABEL, IN PART: (Portions) "Opera Cream Egg One-Half Lb. Net Weight," "Chocolate Easter Egg," "Cocoanut," "Chocolate Easter Egg * * * Opera Cream," and "Shafer's Hand Rolled Cocoanut."

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 parts and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 23, 1951. Default decree of condemnation and destruction.

17606. Misbranding of candy cigarettes. U. S. v. 16 Cases * * *. (F. D. C. No. 30171. Sample No. 77656–K.)

LIBEL FILED: December 1, 1950, Eastern District of Missouri; amended libel filed December 26, 1950.

ALLEGED SHIPMENT: On or about October 4 and 20, 1950, by the Star Chocolate Corp., from New York, N. Y.

PRODUCT: 16 cases, each containing 24 cartons, each carton containing 24 packages, of chocolate cigarettes at St. Louis, Mo.

LABEL, IN PART: "Chesterfriend," "Lucky Star," or "Camels."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since four additional chocolate cigarettes could easily be placed in each package. (The article was contained in packages the size of a package of 20 cigarettes. The packages contained 8 sweet chocolate cigarettes, whereas 12 could easily be placed in each package.)

DISPOSITION: January 15, 1951. The Star Chocolate Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was repackaged to contain 12 cigarettes in each package.

17607. Misbranding of Swiss milk chocolate bars. U. S. v. 90 Bars, etc. (F. D. C. No. 30852. Sample No. 23973–L.)

LIBEL FILED: On or about March 30, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about January 18, 1951, by Barton, Inc., from Brooklyn, N. Y.

PRODUCT: 90 2½-ounce bars, 35 5½-ounce bars, and 18 8-ounce bars of milk chocolate at Newark, N. J.

LABEL, IN PART: (Bar) "Barton's bonbonniere De Luxe Swiss Milk Chocolate."

NATURE OF CHARGE: Misbranding, Section 403 (a), the general design of the label and the label statements "Swiss Milk Chocolate * * * are made of the finest selected cocoa beans, blended according to original Swiss recipes. * * * Barton's Famous Continental Chocolates" were false and misleading