The portion of the candy that was labeled "Cherry Basket" was alleged to be misbranded (1) in that the statements "1 Lb." and "1 Lb. Net Weight," appearing on the cartons and boxes respectively, were false and misleading since the cartons and boxes did not contain 1 pound of candy but did contain a smaller amount; (2) in that its container was so made, formed, or filled as to be misleading; and (3) in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient. Both lots of the article were alleged to be misbranded (1) in that it was food in package form but did not bear an accurate statement of the quantity of contents in terms of weight; and (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On October 7, 1941, the defendant having entered a plea of guilty, the court imposed a fine of $20.

2799. Adulteration of candy. U. S. v. Ralph J. Klotsbaugh (Josselyn's). Plea of guilty. Fine, $50 and costs. (F. D. C. No. 4194. Sample Nos. 28235–E, 28236–E, 28246–E to 28248–E, incl., 50093–E.)

Samples of these products were found to contain insect fragments and rodent hairs.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Ralph J. Klotsbaugh, trading as Josselyn's at Baltimore, Md., alleging shipment within the period from on or about November 20, 1940, to on or about February 5, 1941, from the State of Maryland into the District of Columbia and the State of Virginia of quantities of candy which was adulterated. The article was labeled in part variously: "Josselyn's Real Cocoanut Macaroons"; "Shot Tower Squares"; or "Milkmak Cocoanut."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 17, 1941, the defendant having entered a plea of guilty, the court imposed a fine of $50 and costs.

2800. Adulteration of candy. U. S. v. Salvo & Berdon Candy Co. Plea of guilty. Fines totaling $900; fine of $400 suspended and defendant placed on probation for 3 years. (F. D. C. No. 5490. Sample Nos. 35466–E, 35467–E, 35469–E, 35475–E.)

Examination showed that this product was contaminated with rodent and cat hairs, miscellaneous insect fragments, and larvae.

On October 11, 1941, the United States attorney for the Southern District of Mississippi filed an information against Salvo & Berdon Candy Co., a corporation at Natchez, Miss., alleging shipment on or about November 28 and 29 and December 6, 1940, from the State of Mississippi into the State of Louisiana of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Wrappers) "Peppermint Candy Rosalie," "Bouquet Candy," or Un-X-LD Stick Candy."

On November 17, 1941, the defendant having entered a plea of guilty, the court imposed fines of $250 each on the first two counts, and a fine of $400 on the third count, which was suspended and the defendant was placed on probation for 3 years.

2801. Adulteration of candy. U. S. v. Walter E. Weeks (Tas-T-Nut Co.). Plea of guilty. Fine, $50 and costs. (F. D. C. No. 2952. Sample Nos. 28120–E, 28938–E, 28939–E.)

This product was contaminated with rodent hairs and insect fragments.

On May 9, 1941, the United States attorney for the District of Maryland filed an information against Walter E. Weeks, trading as Tas-T-Nut Co. at Baltimore, Md., alleging shipment on or about September 11, 1940, from the State of Maryland into the District of Columbia of quantities of candy that was adulterated. It was labeled in part: "Vanilla [or "Chocolate"] Brazil Fudge."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, the defendant having entered a plea of guilty, the court imposed a fine of $50 and costs.