It also was alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 677.

On December 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

3649. Adulteration of chocolate coating. U. S. v. 58 Cases, 20 Cases, and 91 Cases of Chocolate Coating. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 4928. Sample Nos. 61015–E to 61017–E, incl.)

The warehouse in which this product had been stored after shipment was rodent-infested, and rodents had chewed through the wrappers of a number of slabs of the coating.

On June 25, 1941, the United States attorney for the Western District of Washington filed a libel against 169 50-pound cases of chocolate coating at Seattle, Wash., alleging that the article had been shipped within the period from on or about July 14, 1939, to on or about February 26, 1941, that it was in possession of the Parisian Candy Co., at Seattle, Wash.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On July 17, 1941, Joseph Vinikow, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration for purposes of human consumption. The edges of slabs showing possible contamination by rodents were trimmed and each slab was wrapped in clean paper. Badly damaged slabs were entirely discarded and soaked with stove oil.

3650. Adulteration of dried red peppers. U. S. v. 858 Bags of Dried Red Peppers. Consent decree of condemnation. Product ordered released under bond to be restored to a merchantable condition. (F. D. C. No. 6603. Sample No. 66780–E.)

Examination showed that this product contained rodent pellets, insects, and insect larvae, and that it was decomposed, as evidenced by the presence of mold.

On or about January 6, 1942, the United States attorney for the Northern District of Illinois filed a libel against 858 30-pound bags of dried red peppers at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1941, by Evangeline Pepper & Food Prod. from St. Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On February 3, 1942, Leo J. Bulliard, claimant, having admitted, for the purposes of the proceedings only, the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be restored to a merchantable condition under the supervision of the Food and Drug Administration. The objectionable portions of the product were destroyed.