4323. Adulteration of candy. U. S. v. Loose-Wiles Biscuit Co. Plea of guilty. Fine, $250. (F. D. C. No. 7720. Sample Nos. 93241–E, 93243–E to 93245–E, incl.)

On October 27, 1942, the United States attorney for the District of Oregon filed an information against the Loose-Wiles Biscuit Co., a corporation, Portland, Oreg., alleging shipment on or about May 25, 1942, from the State of Oregon into the State of Washington 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: "Sunshine * * * Peanut Clusters [or "Chocolate Chips," "Jumbo Gum," or "Commercial Chocolates"]."

On December 31, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.

4324. Adulteration of candy. U. S. v. California Peanut Co. Plea of guilty. Fine, $150. (F. D. C. No. 7734. Sample Nos. 45488–E, 93451–E, 93549–E, 93552–E, 93553–E, 95128–E, 95129–E.)

On November 20, 1942, the United States attorney for the Northern District of California filed an information against the California Peanut Co., a corporation, at Oakland, Calif., alleging shipment within the period from on or about April 2 to on or about June 3, 1942, from the State of California into the States of Washington and Nevada of quantities of candy that was adulterated. The article was labeled in part: "Panned Chocolate Fruit & Nut Mix," "Panned Lgt Chocolate Malted Milk Balls," "Crispy Peanut Cubes," "Light Sweet Chocolate Peanut Clusters," or "Spanish Peanut Brittle."

Portions of the article were alleged to be adulterated in that they consisted in whole or in part of filthy substances. All shipments were alleged to be adulterated in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On December 3, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $150.

4325. Adulteration of candy. U. S. v. Perry Gay Havnaer (Spartan Candy Manufacturing Co.). Plea of nolo contendere. Judgment suspended. (F. D. C. No. 7683. Sample Nos. 48410–E, 48440–E, 70765–E.)

On October 6, 1942, the United States attorney of the Western District of North Carolina filed an information against Perry Gay Havnaer, trading as Spartan Candy Manufacturing Co., at Hickory, N. C., alleging shipment within the period from on or about March 4 to on or about April 11, 1942, from the State of North Carolina into the States of South Carolina and Virginia of quantities of candy that was adulterated. The article was labeled in part: "Pure Sugar Peppermint," "Tasty Sweet," "Lemon Bar," "Pecoe," "Cocoanut Pecoe," "Rainbow," "Two-Tone Bar," "Cocoanut Bar," "Peppermint Bar," or "Peanut Butter."

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

On October 26, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $50 on the first count and ordered that sentence on the remaining counts be continued until the next term of court. On October 27, 1942, the case was recalled as to count 1 and the fine theretofore imposed was stricken and the case was put over to the April 1943 term of Court. On April 26, 1943, the case was again called and upon a showing by the defendant through counsel that he had gone out of business, judgment was suspended.

4326. Adulteration of candy. U. S. v. 85 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 8200. Sample Nos. 24624–F, 24625–F.)

On August 24, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 85 boxes of candy at Hampton, Va., alleging that the article had been shipped in interstate commerce on or about July 28 and July 30, 1942, by Schingen Candies from Philadelphia, Pa.; and charging that it 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 been contaminated with filth.

The article was labeled in part: "80 Count Tourraine Brand Play Boys."

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.