PLEA: Nolo contendere.

DISPOSITION: 3-7-60. $500 fine, plus costs.

27173. Wheat. (F.D.C. No. 45606. S. No. 5-220 R.)

QUANTITY: 120,000 lbs. at Norfolk, Va.

SHIPPED: 2-23-61, from Toledo, Ohio, by Michigan Elevator Exchange.

LIBELED: 3-27-61, E. Dist. Va.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-18-61. Consent—claimed by Michigan Elevator Exchange, Lansing, Mich., and denatured for use as animal feed.

27174. Wheat. (F.D.C. No. 45508. S. Nos. 64-933 R, 65-585 R.)

QUANTITY: 105,000 lbs. at Baltimore, Md.

SHIPPED: 2-1-61, from Hudson, Ind., by Lansing Grain Co.

LIBELED: On or about 3-13-61, Dist. Md.

CHARGE: 402(a)(3)—contained insects, rodent excreta pellets, and bird excreta when shipped.

DISPOSITION: 4-28-61. Consent—claimed by Lansing Grain Co., Toledo, Ohio, and sold for non-food use.

CHOCOLATE, CONFECTIONERY, AND RELATED PRODUCTS

CHOCOLATE PRODUCTS

27175. Chocolate-covered fruit, nuts, raisins, and brazil nuts. (F.D.C. No. 45289. S. Nos. 40-318/20 R.)

QUANTITY: 33 cases, 12 pkgs. each, of chocolate-covered fruit and nut mix: 13 cases, 12 pkgs. each, of chocolate-covered muscatel raisins; and 35 cases, 12 pkgs. each of chocolate-covered brazil nuts, at Springfield, Mo., in possession of Norman's Budget-Pak Candies, Inc.

SHIPPED: 10-3-60, from Chicago, Ill., in bulk containers and subsequently repacked by the dealer into packages.

LABEL IN PART: (Pkg) "Norman's Budget-Pak Candies Chocolate Fruit & Nut Mix 5½ Oz. * * * [or "Chocolate Muscatel Raisins 6½ Oz." or "Chocolate Covered Brazils 4½ Oz."] Packed by Norman Bros. Springfield, Missouri."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: On or about 12-19-60, W. Dist. Mo.

CHARGE: 403(e)(2)—while held for sale, the articles failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 2-13-61. Default—delivered to charitable institutions.

CONFECTIONERY

27176. Candy. (F.D.C. No. 44954. S. Nos. 33-918/20 R.)

INFORMATION FILED: 1-24-61, E. Dist. N.Y., against Chunky Chocolate Corp., Brooklyn, N.Y., Irwin H. Jaffe, president, and Melvin Stillman, vice-president.

SHIPPED: 4–18–60, from New York to New Jersey.

LABEL IN PART: (Box) "Chunky Milk Chocolate With Cashews, Brazils and Raisins 6 Pack Chunky Chocolate Corporation Brooklyn, N.Y." and "Chunky Milk Chocolate With Cashews, Brazils and Raisins Chunky Chocolate Corporation, Brooklyn, N.Y. Net Weight. 4¾ Ounces Chunky Cutie."

CHARGE: 402(a)(2)(A)—the article contained an added deleterious substance, namely, metal fragments, which was unsafe within the meaning of 406; and 402(a)(4)—the article had been prepared and packed under insanitary conditions whereby it may have been rendered injurious to health.

PLEA: Nolo contendere.

DISPOSITION: 3–2–61. The court fined the corporation $500; Irwin Jaffe $200; and Melvin Stillman $100.

27177. Licorice candy. (F.D.C. No. 45421. S. No. 26–821 R.)

QUANTITY: 43 cases, 12 bags each, at Los Angeles, Calif., in possession of Jaffe Candy Co.

SHIPPED: 11–9–60, from St. Louis, Mo.

LABEL IN PART: (Bag) "Ralphs Switzer's Licorice * * * The Low Calorie Candy * * * Ingredients: * * *Sodium Propionate * * * Packed Especially for Ralphs Grocery Co. Los Angeles California."

RESULTS OF INVESTIGATION: Examination showed the article to be black, rectangular pieces of candy having texture and flavor of licorice. The article was in bulk lots when shipped as described above and after receipt at Los Angeles, Calif., was repacked and labeled by the dealer.

LIBELED: 2–13–61, S. Dist. Calif.

CHARGE: 403(a)—while held for sale, the label statement "The Low Calorie Candy" was false and misleading since it was contrary to fact; and 403(k)—the article contained sodium propionate, a chemical preservative, and it failed to bear a label stating that fact.

DISPSITION: 3–13–61. Default—delivered to a charitable institution.

HONEY AND SIRUP

27178. Honey, chicken a la king, corn, mustard, and coffee. (F.D.C. No. 45052. S. No. 36–045 R.)

QUANTITY: 20 cases 12 12-oz. jars each of honey; 10 cases, 12 12½-oz. jars each, of chicken a la king; 10 cases, 6 #10 cans each, of corn; 10 cases, 24 6-oz. jars each, of mustard; and 10 cases, 24 1-lb. cans each, of coffee, at Brooklyn, N.Y.

SHIPPED: The articles were delivered, on 8–17–60, to a ship pier at Brooklyn, N.Y., for shipment to Malaya.

RESULTS OF INVESTIGATION: Inspection showed that the articles had been submerged in polluted river water. The contamination occurred as a result of a storm on 9–13–60, which flooded the pier at Brooklyn, N.Y., where the articles were stored.

LIBELED: 11–30–60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2–9–61. Default—destruction.