27314. Barley malt. (F.D.C. No. 45629. S. No. 39-886 R.)

QUANTITY: 456 100-lb. bags at Springfield, Ill., in possession of Reisch Brewing Co.

SHIPPED: 2-10-61, from Milwaukee, Wis.

LIBELED: 4-14-61, S. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent excreta pellets and rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-18-61. Default—destruction.

27315. Malting barley. (F.D.C. No. 45428. S. Nos. 42-961/2 R.)

QUANTITY: 224,000 lbs. at Manitowoc, Wis.

SHIPPED: 1-13-61 and 1-17-61, from Tulelake, Calif., by Newell Grain Growers Association, Inc.

LIBELED: 2-14-61, E. Dist. Wis.

CHARGE: 402(a)(3)—contained insects when shipped; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-7-61. Consent—claimed by Newell Grain Growers Association, Inc., Newell, Calif. Segregated; 20,465 lbs. destroyed.

CHOCOLATE PRODUCTS, CONFECTIONERY, AND HONEY

27316. Cacao beans, sweet ground chocolate and cocoa, raisin bars, and chocolate-flavored Flick-ettes. (F.D.C. No. 44933. S. Nos. 62-266 P, 62-269/70 P, 77-405 P, 77-442 P.)

INFORMATION FILED: 12-23-60, N. Dist. Calif., against D. Ghirardelli Co., a corporation, San Francisco, Calif., Harvey T. Ghirardelli, president, and Robert O. Ghirardelli, vice-president.

ALLEGED VIOLATION: On 11-2-59, while quantities of cacao beans were being held for sale after shipment in interstate commerce, the defendants caused the cacao beans to be held in a building accessible to insects and caused such beans to be exposed to contamination by insects by placing the beans in insect-infested blending equipment wherein they were mixed with other ingredients to make confections known as raisin bars (count 1) and Flick-ettes (count 3), and a product known as sweet ground chocolate and cocoa (count 2), which acts resulted in the cacao beans in such raisin bars, Flick-ettes, and chocolate and cocoa products being adulterated.

In addition, on 11-19-59, the defendants caused a number of packages of the Flick-ettes (count 5), and of the chocolate and cocoa products (count 4), which were adulterated, to be shipped from San Francisco, Calif., to Seattle, Wash.

LABEL IN PART: (Pkg.) "NET WEIGHT 1¾ OZ. GHIRARDELLI RAISIN BAR," "GHIRARDELLI SWEET GROUND CHOCOLATE AND COCOA * * * 1 LB. NET," and "GHIRARDELLI 6 OZ. [or "12 OZ."] NET WT. FLICK-ETTES CHOCOLATE FLAVORED."

CHARGE: 402(a)(3)—the articles contained whole insects, insect fragments, and rodent hair fragments; and 402(a)(4)—the articles were prepared, packed, or held under insanitary conditions.

PLEA: Nolo contendere by the corporation to counts 1, 4 and 5; and by the individuals to counts 2 and 3.

DISPOSITION: 2-24-61. Corporation fined $750; each individual fined $200.