

PRODUCT: 50 boxes, each containing 60 ¼-ounce bars, of candy at Portland, Maine.

LABEL, IN PART: (Wrapper) "Peanut Cornette * * * Ingredients: Sugar, Peanuts, Corn Syrup, Molasses, Pop Corn, Salt, Vegetable Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), puffed rice had been mixed with the article so as to increase its bulk and make it appear to contain more peanuts than it did, and thus to be of greater value than it was.

Misbranding, Section 403 (a), the name of the article, "Cornette," and the prominent designation of the word "peanut," which appeared on the label, was misleading since the article contained no popcorn and a very small amount of peanuts, and the designation of popcorn as an ingredient of the article was false and misleading since the article contained no popcorn; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since puffed rice was not referred to on the label.

DISPOSITION: July 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

7056. Adulteration of nut crunch. U. S. v. Relco Bakers Specialty Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 7758. Sample Nos. 19681-F, 29525-F.)

INFORMATION FILED: July 18, 1944, Southern District of New York, against Relco Bakers Specialty Co., Inc., New York, N. Y.

ALLEGED SHIPMENT: On June 29 and July 7, 1942, from the State of New York into the States of Massachusetts and North Carolina.

LABEL, IN PART: "Nut Crunch," and (portion) "Relco Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect larvae, insect fragments, feather barbules, mammalian hairs similar to cat and rodent hairs, and beetles; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 25, 1944. A plea of guilty was entered and a fine of \$100 was imposed, \$50 on each of the 2 counts.

7057. Adulteration of chocolate-covered peanuts. U. S. v. National Candy Co., Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 11416. Sample No. 49129-F.)

INFORMATION FILED: June 12, 1944, Eastern District of Missouri, against National Candy Co., Inc., St. Louis, Mo.

ALLEGED SHIPMENT: From on or about November 9 to 17, 1943, from the State of Missouri into the State of Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (d), the article was confectionery, and it bore or contained a nonnutritive substance, mineral oil.

DISPOSITION: June 27, 1944. A plea of nolo contendere was entered and the court imposed a fine of \$400.

COCOA AND COCOA PRODUCTS

7058. Adulteration and misbranding of ground cocoa. U. S. v. 260 Bags of "Cocoa." Default decree of condemnation and destruction. (F. D. C. No. 12041. Sample No. 35765-F.)

LIBEL FILED: On or about March 20, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 29, 1943, by Royale Popcorn Co., from Joliet, Ill.

PRODUCT: 260 unlabeled bags, each containing 40 pounds, of "cocoa" at Atlanta, Ga. The product was invoiced by J. B. Robinson, Cleveland, Ohio, (Royale Popcorn Co.), as "Cocoa."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cacao shell and powdered cacao bean had been substituted in whole or in part for cocoa, which the article was represented to be; and, Section 402 (b) (4), cacao shell had been added to the article or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food; Section 403 (e) (1), it was in package form and failed to bear

a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: November 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7059. Adulteration of cocoa beans. U. S. v. 1,000 Bags of Cocoa Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12676. Sample No. 64883-F.)

LIBEL FILED: August 19, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about January 8, 9, and 12, 1943, from Jersey City, N. J.

PRODUCT: 1,000 bags, each containing 130 pounds, of cocoa beans at Seattle, Wash., in possession of Commercial Warehouse Co.

The product was stored under insanitary conditions after shipment. Some of the bags were rodent-cut, and rodent pellets and rodent nests were observed in the stack. Examination of samples showed that the product contained rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 29, 1944. Washington Chocolate Co., Seattle Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. All unfit material was eliminated from the product.

7060. Adulteration of cocoa substitute. U. S. v. 29 Cases of Cocoa Substitute. Default decree of condemnation and destruction. (F. D. C. No. 11670. Sample No. 43194-F.)

LIBEL FILED: On or about February 1, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about May 6, 1943, by J. B. Robinson Co., from Cleveland, Ohio.

PRODUCT: 29 cases, each containing 24 1-pound packages, of cocoa substitute at Salem, Oreg.

LABEL, IN PART: (Packages) "Robinson's * * * Cocoa Substitute."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and fragments resembling rodent hairs.

DISPOSITION: August 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SUGAR, SIRUPS, AND HONEY

7061. Adulteration of sugar. U. S. v. 78 Bags and 207 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12481. Sample Nos. 71032-F, 71033-F.)

LIBEL FILED: On or about June 5, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about February 5 and 6, 1944, from Toppenish, Wash.

PRODUCT: 285 100-pound bags of sugar, at Portland, Oreg., in possession of Manning Warehouse.

The sugar was stored under insanitary conditions after shipment. Rodent pellets and urine stains were found on the bags, and some of the bags contained rodent-chewed holes. Examination of samples showed that the product was contaminated with rodent hairs and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 30, 1944. The Utah-Idaho Sugar Co., Toppenish, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the adulterated bags of sugar be segregated from the good, under the supervision of the Federal Security Agency. The unfit portion was re-refined.