

DISPOSITION: December 4, 1945. Pleas of guilty having been entered by the individual defendants and on behalf of the corporate defendant, the court imposed fines on the individuals of \$25 on each count and on the corporation of \$100 on each count, total fines of \$600.

9043. Adulteration of candy. U. S. v. Kopper's Chocolate Specialty Co., Inc., Fred Stern, and Karl Frankel. Pleas of guilty. Corporate defendant fined \$500; individual defendants fined \$500 each and sentenced to serve 1 day's imprisonment. (F. D. C. No. 9626. Sample Nos. 23161-F, 36865-F to 36867-F, incl.)

INFORMATION FILED: January 17, 1946, Southern District of New York, against Kopper's Chocolate Specialty Co., Inc., New York, N. Y., and Fred Stern, president, and Karl Frankel, secretary-treasurer.

ALLEGED SHIPMENT: On or about January 18 and 19, 1943, from the State of New York into the States of Maryland and Pennsylvania.

LABEL, IN PART: "Kopper's Assorted Dragees," "Kopper's Chocolates," "Lentils," or "Mint Dragees."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, mammalian hairs resembling rodent hairs, an insect, insect fragments, and miscellaneous filth such as wood splinters and a feather fragment.

DISPOSITION: January 28, 1946. Pleas of guilty having been entered, the court sentenced the corporate defendant to pay a fine of \$500 and the individual defendants to pay fines of \$500 each. Each of the individual defendants was also sentenced to serve 1 day's imprisonment.

9044. Adulteration of candy. U. S. v. 54 Boxes of Sweet Chocolate Bars. Default decree of condemnation and destruction. (F. D. C. No. 15686. Sample No. 24310-H.)

LIBEL FILED: March 24, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 7, 1944, by K. O. Kleppe and Company, from Buenos Aires, Argentina.

PRODUCT: 54 boxes, each containing 20 cartons of 25 6-ounce bars, of sweet chocolate at New Orleans, La.

LABEL, IN PART: "Sweet Chocolate. Ingredients: Sugar and Chocolate. Product of Argentina 'La Perfeccion' Carlos Columbo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, and webbing.

DISPOSITION: February 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9045. Adulteration of candy. U. S. v. 5 Cartons of Toffee Crunch and 9 Cartons of Victory Squares. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 15823. Sample Nos. 28545-H, 28546-H.)

LIBEL FILED: May 5, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about March 10, 1945, by the Los Angeles Nut House, from Los Angeles, Calif.

PRODUCT: 5 20-pound cartons of Toffee Crunch and 9 17-pound cartons of Victory Squares at Bellingham, Wash.

LABEL, IN PART: "DeLuxe Toffee Crunch," or "Victory Squares."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed by delivery to a Federal institution.

9046. Adulteration of candy. U. S. v. 54 Boxes, 45 Boxes, and 2 Cases of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 15936, 16075. Sample Nos. 5824-H, 22925-H, 22926-H.)

LIBELS FILED: April 19 and May 1, 1945, Eastern District of Missouri and Southern District of New York.

ALLEGED SHIPMENT: On or about March 23 and 31, 1945, by J. Ralph Kirkley, Inc., from Philadelphia, Pa.

PRODUCT: 45 boxes, each containing 40 bars, and 2 cases, each containing 48 1-pound boxes, of candy at St. Louis, Mo.; and 54 5-pound boxes of candy at New Rochelle, N. Y.

LABEL, IN PART: "Kirkley's Chocolate Kernel Bars 5¢," "Kirkley's Kernels Chocolate Covered Assorted Nuts," or "Fine Filled 'Art' Candies Kirkley's Krunch Kandies."

NATURE OF CHARGE: 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, cat hairs, and cat hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 15 and 23, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

9047. Adulteration of candy. U. S. v. 9 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 15851. Sample No. 22916-H.)

LIBEL FILED: April 18, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 20, 1945, by the Big "D" Candy Co., from Dallas, Tex.

PRODUCT: 9 cases, each containing 24 boxes of 16 10-cent rolls, of candy at St. Louis, Mo.

LABEL, IN PART: "Big-D Pecan Roll."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (d), it was confectionery and it contained a non-nutritive substance, mineral oil.

DISPOSITION: May 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9048. Adulteration of hard candy. U. S. v. 38 Cartons and 15 Cartons of Hard Candy. Default decree of condemnation and destruction. (F. D. C. No. 16304. Sample No. 11019-H.)

LIBEL FILED: May 31, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 7, 1945, by the Pioneer Specialty Co., from Brooklyn, N. Y.

PRODUCT: 38 35-pound cartons and 15 39-pound cartons of hard candy at Lawrence, Mass. Examination showed that the product was hard candy shaped like footballs, and that broken lollypop sticks were imbedded in the candy.

LABEL, IN PART: "Unwrapped Footballs."

NATURE OF CHARGE: Adulteration, Section 402 (d), the product was confectionery and it contained a nonnutritive article, a wooden stick. Some of the sticks had been broken off flush with the candy and others extended $\frac{3}{4}$ inch out of the candy.

DISPOSITION: July 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9049. Adulteration and misbranding of candy. U. S. v. 790 Boxes of Candy (and 4 other seizure actions against candy). Default decrees of condemnation. Portion of the product ordered destroyed; remainder ordered delivered to charitable institutions. (F. D. C. Nos. 16017, 16095, 16096, 16200, 16201. Sample Nos. 6970-H, 6971-H, 12919-H, 23946-H, 23947-H.)

LIBELS FILED: Between May 1 and 16, 1945, Northern District of Alabama, Southern District of Ohio, and District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of March 7 and April 4, 1945, by the Tower Candy Co., from Philadelphia, Pa.

PRODUCT: 790 boxes at Birmingham, Ala., 274 boxes at Ensley, Ala., 194 boxes at Jersey City, N. J., 194 boxes at Newark, N. J., and 192 boxes at Dayton, Ohio, each box containing 1 pound of candy.