

10566. Adulteration of wheat cereal and soya grits. U. S. v. 8 Bags of Wheat Cereal and 20 Bags of Soya Grits. (F. D. C. No. 17757. Sample Nos. 37233-H, 37234-H.)

LIBEL FILED: October 11, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about May 11, 1945, from Hawthorne, Ill.

PRODUCT: 8 100-pound bags of wheat cereal and 20 100-pound bags of soya grits at Portland, Oreg., in possession of Portland Auto Delivery. The products were stored under insanitary conditions. Some of the bags were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the products contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 6, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CANDY

10567. Adulteration and misbranding of candy. U. S. v. United Candy Co. and Edward T. James. Pleas of nolo contendere. Partnership fined \$400; individual fined \$500, but fine suspended. (F. D. C. No. 17855. Sample Nos. 632-H, 633-H.)

INDICTMENT RETURNED: March 18, 1946, Western District of North Carolina, against the United Candy Co., a partnership, and Edward T. James, a partner.

ALLEGED SHIPMENT: On or about May 11, 1945, from the State of North Carolina into the State of Georgia.

LABEL, IN PART: "United Candies Chocolate Bar [or "Square"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, chocolate, had been in whole or in part omitted; and, Section 402 (d), the product was confectionery, and it contained a nonnutritive substance, mineral oil.

Misbranding, Section 403 (a), the label statement "Chocolate Bar" or "Chocolate Square" was false and misleading since the product contained no chocolate.

DISPOSITION: April 1, 1946. Pleas of nolo contendere having been entered, the partnership was fined \$100 on each of 4 counts. The individual defendant was fined \$500, but the fine was suspended, and he was placed on probation for a period of 2 years.

10568. Adulteration of candy. U. S. v. 40 Boxes * * * (and 9 other seizure actions). (F. D. C. Nos. 19204, 19233 to 19238, incl., 19264, 19406, 19407. Sample Nos. 3185-H, 3186-H, 3579-H, 3590 to 3596-H, incl., 5311-H, 5312-H.)

LIBELS FILED: February 12, 21, and 25 and on or about March 8, 1946, District of Maryland, District of New Jersey, and District of Columbia.

ALLEGED SHIPMENT: Between the approximate dates of January 7 and February 4, 1946, by J. Schwartz and Sons, from Philadelphia, Pa.

PRODUCT: 1,233 boxes, each containing 24 bars, of candy at Baltimore, Md., Camden, N. J., and Washington, D. C.

LABEL, IN PART: "Schwartz's American Chewing Candy 5¢ Net Weight 1¼ Oz." or "24 Count 5¢ Peanut Brittle Bars."

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 hairs, rodent hair fragments, insects, insect fragments, and mites; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 18, 26, and 29, April 5, and May 31, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.