13050. Adulteration of candy. U. S. v. Walter T. Hall & Co., John C. Stoltz, Eugene Wulfekuhler, and Frank Petrovic. Pleas of nolo contendere. Each defendant fined $100 and costs. (F. D. C. No. 23322. Sample Nos. 77263–H to 77266–H, incl., 77268–H, 77270–H to 77273–H, incl., 77276–H, 77277–H, 77540–H.)

INFORMATION FILED: September 3, 1947, Southern District of Iowa, against Walter T. Hall & Co., a partnership, John C. Stoltz and Eugene Wulfekuhler, partners, and Frank Petrovic, plant superintendent.

ALLEGED SHIPMENT: On or about March 19, 1947, from the State of Ohio into the State of Minnesota.

LABEL, IN PART: "Hall's Confections."

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

DISPOSITION: The defendants filed a motion for a bill of particulars requesting that the Government state more specifically wherein and in what manner the product had been prepared and packed under insanitary conditions and the approximate time at which the conditions were alleged to have existed, and requesting portions of the official samples. The motion came on for hearing on September 22, 1947, and after argument, the court ordered the Government to state what insanitary conditions were found in the plant. The court withheld ruling on the request for portions of the official samples, since the defendants had not made application for such samples from the Food and Drug Administrator in a manner provided by law; and the court stated that if such request was not complied with, the defendants might renew the motion. On October 2, 1947, the Government filed its bill of particulars in compliance with the court's order, and on October 16, 1947, the Federal Security Administrator furnished the defendants with portions of the samples. On January 5, 1948, pleas of nolo contendere were entered, and the court imposed fines of $500 against each of the defendants, plus costs.

13051. Adulteration of candy. U. S. v. Louis S. Horowitz. Plea of guilty. Fine, $500. (F. D. C. No. 15589. Sample No. 63644–F.)

INFORMATION FILED: January 7, 1946, Northern District of Georgia, against Louis S. Horowitz, plant manager of the Beckham Candy Co.

ALLEGED SHIPMENT: On or about November 16, 17, and 21, 1944, from the State of Georgia into the States of North Carolina and Virginia.

LABEL, IN PART: "Beckham's * * * Coco Meat * * * Beckham Candy Co., Atlanta, Ga."

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; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 13, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of $500.

13052. Adulteration of candy. U. S. v. Sam A. Loniello (Bob White Candy Co.). Plea of nolo contendere. Fine, $250. (F. D. C. No. 24550. Sample Nos. 24429–K, 24442–K to 24445–K, incl.)

INFORMATION FILED: May 19, 1948, Western District of Wisconsin, against Sam A. Loniello, trading as the Bob White Candy Co., Madison, Wis.

ALLEGED SHIPMENT: On or about September 16 and October 2, 11, and 17, 1947, from the State of Wisconsin into the States of Minnesota, Iowa, and Illinois.

LABEL, IN PART: "Old Fashioned Bitter Sweet Chocolates," or "Delicious Hand Dipped Swiss Creams."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair fragments, feather fragments, a mite, and an unidentified hair fragment; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 26, 1948. A plea of nolo contendere having been entered, the court imposed a fine of $50 on each of the 5 counts of the information.