CANDY AND SIRUP

15601. Adulteration of candy. U. S. v. Maple Dell Candy Co., Nathan Bornheim, Orval Hush, and John Greene. Pleas of guilty. Fine of $2,000 against company; fine of $500 and sentence of 90 days in jail against each individual. (F. D. C. No. 26798. Sample Nos. 2586–K, 2587–K, 2592–K, 2593–K.)

INFORMATION FILED: May 13, 1949, Southern District of Ohio, against the Maple Dell Candy Co., a corporation, Columbus, Ohio, and Nathan Bornheim, secretary-treasurer, Orval Hush, president, and John Greene, plant superintendent.

ALLEGED SHIPMENT: On or about February 10, 18, and 19, 1949, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: (Carton) "Mountain Top Now! 5¢ Creamy Cocoanut Chocolate Candy."

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

DISPOSITION: June 20, 1949. Pleas of guilty having been entered, the court imposed a fine of $2,000 against the company and a fine of $500 and a sentence of 90 days in jail against each individual.

15602. Adulteration and misbranding of chocolate sirup and misbranding of candy. U. S. v. 5 Cases, etc. (F. D. C. No. 27841. Sample Nos. 29782–K to 29785–K, incl.)

LIBEL FILED: September 20, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about May 24, 1949, by the Sifers Candy Co., from Iola, Kans.

PRODUCT: 5 cases, each containing 24 jars, of Peppermint Nibs; 4 cases, each containing 24 jars, of Black Walnut Satinettes; 48 cases, each containing 24 jars, of chocolate-flavored sirup; and 49 cases each containing 20 cartons of 24 candy bars each, at Denver, Colo.

LABEL, IN PART: (Jars) "Sifers Homogenized Chocolate Flavored Syrup Net Wt. 1¼ Lbs," "Peppermint Nibs Net Wt. 11 Ozs. [or "1 Lb. 5 Ozs."]," and "Black Walnut Satinettes Net Wt. 13 Ozs."; (bars) "Sifers Net Wt. 1¼ Ozs."

NATURE OF CHARGE: Chocolate sirup. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

Chocolate sirup and candy. Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents. The products were short of the weight declared on the labels of the jars and bars.

DISPOSITION: November 23, 1949. Default decree of condemnation. The chocolate sirup was ordered destroyed, and the candy was ordered delivered to charitable institutions.