

CANDY, SIRUP, AND SUGAR

CANDY

17401. Adulteration of candy and salted peanuts. U. S. v. Newton Mfg. Co., a corporation, and Joseph J. Fay. Pleas of guilty. Corporation fined \$450; individual defendant fined \$150. (F. D. C. No. 30104. Sample Nos. 92803-K, 92805-K, 92806-K.)

INFORMATION FILED: March 23, 1951, Southern District of Ohio, against the Newton Mfg. Co., a corporation, Cincinnati, Ohio, and Joseph J. Fay, president of the corporation.

ALLEGED SHIPMENT: On or about November 13 and 14, 1950, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: (Case) "30 Lbs. Peanut Brittle," "30 Lbs. Net Blanched Salted Peanuts," and "Newport 15 Lbs. Pecco Flake."

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

DISPOSITION: July 6, 1951. Pleas of guilty having been entered, the court imposed a fine of \$450 against the corporation and \$150 against the individual defendant.

17402. Adulteration of candy. U. S. v. 384 Boxes, etc. (F. D. C. No. 30752. Sample Nos. 897-L, 898-L.)

LABEL FILED: March 16, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about January 24 and February 7, 1951, by the Lee Chocolate Co., from Atlanta, Ga.

PRODUCT: 384 boxes each containing 16 1-ounce candy bars, and 196 boxes, each containing 24 1½-ounce packages, of chocolate-covered cherries at Charlotte, N. C.

LABEL, IN PART: (Bar) "Lee of Atlanta, Georgia 10¢ Pecan Roll"; (package) "Lee of Atlanta, Ga. * * * Chocolate Covered Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of (in pecan roll) rodent hairs and (in chocolate-covered cherries) rodent hairs, insect fragments, and rodent excreta; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 23, 1951. Default decree of condemnation. The court ordered that in lieu of destruction the product be delivered to a charitable institution, for use as animal feed only.

17403. Adulteration of candy. U. S. v. 198 Cartons * * *. (F. D. C. No. 30471. Sample No. 90062-K.)

LABEL FILED: On or about January 11, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 5, 1950, from Forth Worth, Tex. This was a return shipment.

PRODUCT: 198 cartons each containing 100 candy bars at Kansas City, Mo.
LABEL, IN PART: "Net Weight 1½ Oz. Pecanola."
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 insects.
DISPOSITION: February 13, 1951. Default decree of destruction.

17404. Adulteration of candy. U. S. v. 34 Cartons, etc. (F. D. C. No. 30833. Sample Nos. 7054-L, 7055-L.)

LIBEL FILED: February 19, 1951, Western District of Pennsylvania.
ALLEGED SHIPMENT: On or about January 5, 1951, by the P. S. Truesdell Co., from Columbus, Ohio.
PRODUCT: 34 22-pound cartons and 22 25-pound cartons of candy at Pittsburgh, Pa.

LABEL, IN PART: (Cartons) "Black Scotties" and "Cherry Jelly Hearts."
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects in the "Black Scotties" and miscellaneous debris, such as rust, paint scales, threads, soot, and cinders in the "Cherry Jelly Hearts"; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.
DISPOSITION: March 14, 1951. Default decree of condemnation and destruction.

17405. Adulteration and misbranding of chocolate-dipped strawberries in cordial. U. S. v. Marlon Confections Corp. Plea of guilty. Imposition of sentence suspended. (F. D. C. No. 29180. Sample Nos. 57393-K, 57396-K.)

INFORMATION FILED: March 28, 1951, Southern District of New York, against the Marlon Confections Corp., New York, N. Y.
ALLEGED SHIPMENT: On or about October 21, 1949, from the State of New York into the State of Connecticut.
LABEL, IN PART: "Marlon Chocolate Double Dipped Strawberries in Cordial."
NATURE OF CHARGE: Adulteration, Section 402 (b) (2), the labels of the product indicated that the candy contained whole strawberries, when, in fact, artificially colored grapes had been substituted.
Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to declare the presence of one of the ingredients by its common or usual name, i. e., grapes.
DISPOSITION: April 19, 1951. A plea of guilty having been entered, imposition of sentence was suspended.

SIRUP

17406. Misbranding and alleged adulteration of sorghum sirup. U. S. v. 216 Unlabeled 1-Gallon Cans * * *. (F. D. C. No. 30630. Sample No. 31257-L.)

LIBEL FILED: February 16, 1951, Eastern District of Arkansas.
ALLEGED SHIPMENT: On or about October 21, 1950, by G. E. Crocker, from Purvis, Miss.
PRODUCT: 216 unlabeled 1-gallon cans of sorghum sirup at Blytheville, Ark.