CANDY

17701. Adulteration of candy Easter eggs. U. S. v. E. W. McDonell, Inc., and Louis V. Arrico. Pleas of guilty. Corporation fined $500; individual defendant fined $250 and given suspended sentence of 6 months in jail. (F. D. C. No. 31097. Sample Nos. 10967–L to 10971–L, incl.)

INFORMATION FILED: June 8, 1951, Southern District of Ohio, against E. W. McDonell, Inc., Cincinnati, Ohio, and Louis V. Arrico, president.

ALLEGED SHIPMENT: On or about February 16, 1951, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: (Opera cream egg, sticker on box) "E. W. McDonell—Cincinnati, O." and (box) "Allen J. Shafer Co. Cincinnati, O. * * * One-Half Lb. Net Weight"; (chocolate Easter egg, box) "E. W. McDonell Cincinnati, O. 12 Oz. Net Weight Cocoanut [or "Opera Cream"]" (hand rolled Easter eggs, box) "E. W. McDonell, Inc.," and (wrapper) "Shafer's Hand Rolled Cocoanut Net Wt. 2 Ozs. Mfd. By Allen J. Shafer Co. Cincinnati, Ohio."

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

DISPOSITION: June 8, 1951. Pleas of guilty having been entered, the court fined the corporation $500 and the individual defendant $250. In addition, the court imposed a suspended sentence of 6 months in jail against the individual defendant.

17702. Adulteration and misbranding of candy. U. S. v. Gilliam Candy Co. and John P. Ryan. Pleas of guilty. Each defendant fined $125, plus costs. (F. D. C. No. 31089. Sample Nos. 30768–L, 31068–L, 31968–L, 31969–L, 32280–L.)

INFORMATION FILED: June 29, 1951, Western District of Kentucky, against the Gilliam Candy Co., a partnership, Paducah, Ky., and John P. Ryan, partner and plant manager.

ALLEGED SHIPMENT: Between the approximate dates of January 12 and March 1, 1951, from the State of Kentucky into the States of Tennessee, Missouri, and Illinois.

LABEL, IN PART: "5¢ Bacon Slice Mfd. By Gilliam Candy Co. Paducah, Ky." and "Gilliam's Blue Grass Candies."

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

Misbranding, Section 403 (e) (2) (1 shipment) the product failed to bear a label containing an accurate statement of the quantity of the contents since the labels bore the statement "Net Wt. 1¾ Ozs.," and the weight of the packages was less than 1¾ ounces.

DISPOSITION: October 11, 1951. Pleas of guilty having been entered, the court fined each defendant $125, plus costs.