

18103. Adulteration and misbranding of candy and adulteration of corn flakes and sugar. U. S. v. Sess A. Rhodes (Rhodes Candy Co.). Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 31531. Sample Nos. 11504-L, 21548-L, 31075-L, 31076-L, 31917-L to 31919-L, incl.)

INFORMATION FILED: September 13, 1951, Western District of Tennessee, against Sess A. Rhodes trading as the Rhodes Candy Co., Savannah, Tenn.

ALLEGED VIOLATION: On or about April 13, 20, 25, and 27, 1951, the defendant caused various quantities of candy to be shipped from the State of Tennessee into the States of Kentucky and Mississippi.

On or about August 11 and October 24, 1950, the defendant received at Savannah, Tenn., a number of boxes of corn flakes and a number of boxes of sugar which had been shipped in interstate commerce from the States of Wisconsin and Louisiana. While the products were being held for sale after shipment in interstate commerce, the defendant, within the period from on or about August 11, 1950, to on or about May 1, 1951, caused a number of bags of the products to be placed in a building accessible to rodents and to be exposed to contamination by rodents.

LABEL, IN PART: (Candy) "M-Delicious Ball 5¢ * * * Net Wt. 2 Ozs. or Over" and "5¢ Tasty Ball * * * Weight 1¼ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the candy had been prepared and packed, and the corn flakes and sugar had been held, under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the candy labeled in part "M-Delicious Ball" failed to bear a label containing an accurate statement of the quantity of the contents. (The candy was short of the declared weight.)

DISPOSITION: September 19, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

SIRUP

18104. Adulteration and misbranding of sorghum sirup. U. S. v. Roy Lansaw. Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 3 years. (F. D. C. No. 32750. Sample No. 31607-L.)

INDICTMENT RETURNED: March 18, 1952, Eastern District of Illinois, against Roy Lansaw, Joplin, Mo.

INTERSTATE SHIPMENT: On or about January 12, 1952, from the State of Missouri into the State of Illinois, of a number of cans of sirup.

ALLEGED VIOLATION: On or about January 15 and 17, 1952, while the sirup was held for sale after shipment in interstate commerce, the defendant obliterated the labels on the cans reading "New Crop Syrup, A Sorghum Flavor Blend of Cane Sugar Syrup, Corn Syrup, Molasses and Sorghum Syrup Made By T. J. Blackburn, Jefferson, Texas," by pasting over the said label other labels reading "Pure Hancock County Sorghum, E. D. Brown, Rt. 2, Patesville, Ky." and offered for sale a number of the said cans with the original labels obliterated.

RESULTS OF INVESTIGATION: The defendant purchased a quantity of a blended sirup consisting of sugar sirup, glucose, sorghum sirup, and perhaps some molasses, transported it from Joplin, Mo., into Illinois, relabeled it, and sold it to small grocery stores for sorghum sirup, a costlier product.

DISPOSITION: April 1, 1952. A plea of guilty having been entered by the defendant, the court suspended imposition of sentence and placed the defendant on probation for 3 years.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCT

18105. Adulteration of bread. U. S. v. The Kempler Baking Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 31543. Sample Nos. 11634-L to 11637-L, incl.)

INFORMATION FILED: September 17, 1951, Southern District of Ohio, against the Kempler Baking Co., a corporation, Steubenville, Ohio.

ALLEGED SHIPMENT: On or about May 18, 1951, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: "Cottage Loaf Enriched," "Kempler's Rye Bread," and "Kempler's Italian [or "Vienna"] Bread Enriched."

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

DISPOSITION: October 26, 1951. A plea of guilty having been entered, the court imposed a fine of \$1,000.

MACARONI AND NOODLE PRODUCTS

18106. Adulteration of macaroni and spaghetti. U. S. v. Luso-American Macaroni Mfg. Co., Inc., and Antonio J. Pereira. Pleas of guilty. Fine of \$400 against corporation and \$100 against individual. (F. D. C. No. 31529. Sample Nos. 5148-L, 5150-L, 5152-L.)

INFORMATION FILED: September 25, 1951, District of Massachusetts, against Luso-American Macaroni Mfg. Co., Inc., Fall River, Mass., and Antonio J. Pereira, treasurer of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of February 14 and March 21, 1951, from the State of Massachusetts into the State of Rhode Island.

LABEL, IN PART: (Portions) "Venus-Brand Macaroni [or "Spaghetti"]."

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

DISPOSITION: November 8, 1951. Pleas of guilty having been entered, the court imposed a fine of \$400 against the corporation and a fine of \$100 against the individual.