21753. Adulteration and misbranding of coffee. U. S. v. 110 Cans * * *. (F. D. C. No. 36568. Sample No. 75476–L.)

LIBEL FILED: May 11, 1954, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 27, 1953, by Andrew's Coffee Co., Inc., from New York, N. Y.

PRODUCT: 110 1-pound cans of coffee at Norfolk, Va.

LABEL, IN PART: (Can) "Regular Grind Andrew's Superior Quality American Roast Coffee Net Wt. 1 Pound Vacuum Packed."

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; Section 402 (b) (2), a mixture of coffee and chickpeas had been substituted in whole or in part for coffee, which the article was represented to be; and, Section 402 (b) (4), chickpeas had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (a), the label statement "Superior Quality * * * Coffee" was false and misleading as applied to a mixture of ground roasted coffee and chickpeas.

DISPOSITION: July 22, 1954. Default decree of condemnation and destruction.

CANDY

21754. Adulteration of candy, shelled peanuts, and powdered buttermilk. U. S. v. Blumenthal Bros. Chocolate Co. Plea of nolo contendere. Fine, $1,600. (F. D. C. No. 36604. Sample Nos. 48165–L, 48166–L, 67381–L, 67384–L, 67385–L, 84440–L, 84453–L, 84454–L.)

INFORMATION FILED: February 1, 1955, Eastern District of Pennsylvania, against the Blumenthal Bros. Chocolate Co., a corporation, Philadelphia, Pa.

ALLEGED VIOLATION: Between the approximate dates of November 7, 1952, and January 8, 1954, while a quantity of shelled peanuts was being held for sale after shipment in interstate commerce, and between the approximate dates of May 19, 1953, and January 8, 1954, while a quantity of powdered buttermilk was being held for sale after shipment in interstate commerce, the defendant caused a number of bags of such products to be placed in a building that was accessible to rodents and caused such products to be exposed to contamination by rodents, which acts resulted in the products being adulterated.

On or about September 10, November 20, and December 1, 1953, and January 4, 1954, the defendant caused a number of boxes of candy, which was adulterated, to be introduced and delivered for introduction into interstate commerce.

LABEL, IN PART: (Box) "Milk Chocolate Covered Raisinets Net Wt. 1 Oz.," "Pure Chocolate Coated Malted Milk Balls Net Wt. ⅞ Oz.," "Buddy Bar 120 Count 1c," "Malties Net Wt. 6 Oz. Chocolate Malted Milk Balls," and "Sno-Caps Net Wt. 7 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, rodent hairs, rodent excreta, and rodent urine; and, Section 402 (a) (4), the shelled peanuts and powdered buttermilk had been held, and the candy had been prepared and packed, under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 14, 1955. The defendant having entered a plea of nolo contendere, the court fined it $1,600.

21755. Adulteration of candy. U. S. v. 29 Cases * * *. (F. D. C. No. 37504. Sample No. 12809–M.)

LIBEL FILED: On or about December 10, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about November 9, 1954, by J. Schwartz & Sons, from Philadelphia, Pa.

PRODUCT: 29 cases, each containing 12 boxes, of candy at Camden, N. J.

LABEL, IN PART: (Box) "Victorian Peppermint Patties Chocolate Covered Net Wt. 1 Lb. Manufactured By Victorian Candy Co. Philadelphia, Pa."

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 insects, insect parts, rodent hairs, wood fragments, and straw fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 14, 1955. Default decree of condemnation and destruction.

21756. Adulteration of candy. U. S. v. 3 Cases, etc. (F. D. C. No. 37510. Sample No. 12811–M.)

LIBEL FILED: On or about December 10, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about November 9, 1954, by J. Schwartz & Sons, from Philadelphia, Pa.

PRODUCT: Candy. 3 cases, each containing 48 12-count cartons, 2 cases, each containing 12 12-count cartons, 5 cases, each containing 24 12-count cartons, and 4 cases, each containing 36 6-count cartons, at Camden, N. J.

LABEL, IN PART: (Carton) "Victorian Candy Canes * * * Manufactured By Victorian Candy Co. Philadelphia, Pa."

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

DISPOSITION: January 18, 1955. Default decree of condemnation and destruction.

21757. Adulteration of candy. U. S. v. 9 Cases * * *. (F. D. C. No. 37331. Sample No. 77912–L.)

LIBEL FILED: On or about October 28, 1954, District of Maryland.

ALLEGED SHIPMENT: On or about September 20, 1954, by the Pitt Chocolate Co., from Wilkinsburg, Pa.

PRODUCT: 9 cases, each containing 24 8-ounce packages, of candy at Hagerstown, Md.

LABEL, IN PART: (Package) "Pitt Finest Coconut Bon Bons."

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 insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been pre-