

**2795. Adulteration of candy. U. S. v. Carstarphen, Inc., and Taylor T. Carstarphen, Sr. Plea of nolo contendere. Fines, \$300. (F. D. C. No. 4119. Sample Nos. 20297-E, 20298-E, 20430-E, 20431-E, 20490-E, 20652-E, 37423-E.)**

This product was found to contain insect fragments and rodent hairs.

On June 7, 1941, the United States attorney for the Middle District of Georgia filed an information against Carstarphen, Inc., Macon, Ga., and Taylor T. Carstarphen, Sr., alleging shipment within the period from on or about July 27 to on or about October 19, 1940, from the State of Georgia into the States of North Carolina, Florida, and South Carolina of quantities of candy that was adulterated. It was labeled in part variously: "Sno-Jo," "Capt. Jack," "Mint Balls," "Mint Pillows," or "Lemon Joe Stick."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 23, 1941, pleas of nolo contendere having been entered, the court imposed a fine of \$150 against each defendant.

**2796. Adulteration of candy. U. S. v. James S. Fox (J. S. Fox Candy Co.). Plea of guilty. Defendant placed on probation for 2 years. (F. D. C. No. 2981. Sample Nos. 20475-E to 20478-E, incl., 37456-E, 37457-E.)**

Samples of this product were found to contain rodent hairs, insects, insect fragments, and larvae.

On June 3, 1941, the United States attorney for the Southern District of Georgia filed an information against James S. Fox, trading as J. S. Fox Candy Co. at Augusta, Ga., alleging shipment on or about October 5 and November 28, 1940, from the State of Georgia into the State of South Carolina of quantities of candy which was adulterated. The article was labeled variously in part: "Mint Sticks," "C. C. Squares," "P-Nut Sqs.," or "Honest Blocks."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 26, 1941, a plea of guilty was entered and the defendant was placed on probation for 2 years.

**2797. Adulteration of candy. U. S. v. Cleve Gilliam (Gilliam Candy Co.). Plea of guilty. Fine, \$1,200 and costs. (F. D. C. No. 2985. Sample Nos. 15494-E to 15497-E, incl., 15548-E, 15552-E, 15554-E, 15555-E, 15761-E to 15766-E, incl., 31401-E to 31404-E, incl., 39070-E, 39184-E, 39285-E, 39289-E.)**

Samples of this product were found to contain rodent and unidentified hairs and rodent pellets and fragments.

On May 27, 1941, the United States attorney for the Western District of Kentucky filed an information against Cleve Gilliam, trading as Gilliam Candy Co. at Paducah, Ky., alleging shipment within the period from on or about July 17 to on or about September 6, 1940, from the State of Kentucky into the States of Missouri, Arkansas, Illinois, Indiana, and Tennessee of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled variously in part: "Cello Stick Mint," "Bacon Slice," "Broken Candy," "Bacon Cubes," "Tummy Full Peanut Bar," "Cat Tail," "Sticks," "Cello Sally Stick," "Cello Sally Peanut Butter Stick," "Sambo Stick," or "Kitten Tails."

On November 19, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$100 on each of the first 12 counts of the information. On count 13 a fine of \$1,000 was imposed which was suspended and the defendant was placed on probation for a period of 5 years.

**2798. Adulteration and misbranding of candy. U. S. v. Louis Glickstern. Plea of guilty. Fine, \$20. (F. D. C. No. 4190. Sample Nos. 36951-E, 36952-E.)**

Examination showed that this product contained rodent hairs and insects and insect fragments. One lot was deceptively packaged, and both lots failed to comply with certain labeling requirements of the law as explained hereinafter.

On September 19, 1941, the United States attorney for the District of Massachusetts filed an information against Louis Glickstern, Boston, Mass., alleging shipment on or about December 9, 1940, from the State of Massachusetts into the State of Maine of a quantity of candy that was adulterated and misbranded. It was labeled in part: (Cartons) "1 Lb. Cherry Basket," or "Chocolate Malted Balls."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The portion of the candy that was labeled "Cherry Basket" was alleged to be misbranded (1) in that the statements "1 Lb." and "1 Lb. Net Weight," appearing on the cartons and boxes respectively, were false and misleading since the cartons and boxes did not contain 1 pound of candy but did contain a smaller amount; (2) in that its container was so made, formed, or filled as to be misleading; and (3) in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient. Both lots of the article were alleged to be misbranded (1) in that it was food in package form but did not bear an accurate statement of the quantity of contents in terms of weight; and (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On October 7, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$20.

**2799. Adulteration of candy. U. S. v. Ralph J. Klotsbaugh (Josselyn's). Plea of guilty. Fine, \$50 and costs.** (F. D. C. No. 4194. Sample Nos. 28235-E, 28236-E, 28246-E to 28248-E, incl., 50093-E.)

Samples of these products were found to contain insect fragments and rodent hairs.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Ralph J. Klotsbaugh, trading as Josselyn's at Baltimore, Md., alleging shipment within the period from on or about November 20, 1940, to on or about February 5, 1941, from the State of Maryland into the District of Columbia and the State of Virginia of quantities of candy which was adulterated. The article was labeled in part variously: "Josselyn's Real Coconut Macaroons"; "Shot Tower Squares"; or "Milkmaid Coconut."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 17, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$50 and costs.

**2800. Adulteration of candy. U. S. v. Salvo & Berdon Candy Co. Plea of guilty. Fines totaling \$900; fine of \$400 suspended and defendant placed on probation for 3 years.** (F. D. C. No. 5490. Sample Nos. 35466-E, 35467-E, 35469-E, 35475-E.)

Examination showed that this product was contaminated with rodent and cat hairs, miscellaneous insect fragments, and larvae.

On October 11, 1941, the United States attorney for the Southern District of Mississippi filed an information against Salvo & Berdon Candy Co., a corporation at Natchez, Miss., alleging shipment on or about November 28 and December 6, 1940, from the State of Mississippi into the State of Louisiana of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Wrappers) "Peppermint Candy Rosalie," "Bouquet Candy," or "Un-X-LD Stick Candy."

On November 17, 1941, the defendant having entered a plea of guilty, the court imposed fines of \$250 each on the first two counts, and a fine of \$400 on the third count, which was suspended and the defendant was placed on probation for 3 years.

**2801. Adulteration of candy. U. S. v. Walter E. Weeks (Tas-T-Nut Co.). Plea of guilty. Fine, \$50 and costs.** (F. D. C. No. 2952. Sample Nos. 28120-E, 28938-E, 28939-E.)

This product was contaminated with rodent hairs and insect fragments.

On May 9, 1941, the United States attorney for the District of Maryland filed an information against Walter E. Weeks, trading as Tas-T-Nut Co. at Baltimore, Md., alleging shipment on or about September 11, 1940, from the State of Maryland into the District of Columbia of quantities of candy that was adulterated. It was labeled in part: "Vanilla [or "Chocolate"] Brazil Fudge."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$50 and costs.