

## CHOCOLATE PRODUCTS AND CANDY

## CANDY

Nos. 4739 to 4750 report the disposition of legal actions involving lots of candy containing one or more of various types of filth contamination such as rodent pellets, rodent and cat hairs, insects, insect fragments, larvae, and miscellaneous filth.

**4739. Adulteration of candy. U. S. v. 24 Boxes and 34 Packages of Candy (and 4 additional seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 9271, 9301 to 9306, incl., 9312, 9364. Sample Nos. 7391-F to 7394-F, incl., 17042-F to 17046-F, incl., 18738-F to 18740-F, incl., 23153-F to 23157-F, incl., 23161-F, 23163-F, 36865-F to 36867-F, incl.)

This product contained rodent hair fragments, insect fragments, mammalian hairs resembling rodent hairs, plant fibers, fragments of dirt, metal, and charcoal, and unidentified hairs.

Between February 1 and 13, 1943, the United States attorneys for the District of Maryland, Eastern District of Pennsylvania, the District of Connecticut, the District of New Jersey, the District of Minnesota, and the Middle District of Pennsylvania filed libels against 24 5-pound boxes and 34 1-pound packages of candy at Baltimore, Md., 67 7-ounce boxes and 27 ½-pound boxes of candy at Philadelphia, Pa., 10 5-pound boxes, 1 40-pound carton and 5 pounds of candy at New Haven, Conn., 38 1-pound boxes, 27 ½-pound boxes and 3 40-pound boxes of candy at Newark, N. J., 23 1-pound packages and boxes, 16 ½-pound packages, and 8 7-ounce packages of candy at St. Paul, Minn., and 65 1-pound boxes, 31 ½-pound boxes, and 27 7-ounce boxes of candy at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about January 15 to 19, 1943, by Kopper's Chocolate Specialty Co., Inc., New York, N. Y.; and charging that it 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 may have become contaminated with filth. The article was labeled in part: "Lentils"; "Mint Dragees"; "Assorted Dragees"; "Kopper's Chocolates \* \* \* Cocoa Almonds \* \* \* [or "Burnt Almonds"]"; "Rum Cordial Dragees"; "Praline de Marquise"; "French Cherries"; "Cherries"; or "Dragee Varieties".

Between February 23 and April 28, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4740. Adulteration of candy. U. S. v. Edwin W. McDonell (E. W. McDonell). Plea of guilty. Fine \$100.** (F. D. C. No. 8808. Sample No. 4393-F.)

On February 17, 1943, the United States attorney for the Southern District of Ohio filed an information against Edwin W. McDonell, trading under the firm name of E. W. McDonell, at Cincinnati, Ohio, alleging shipment on or about November 13, 1942, from the State of Ohio into the State of Kentucky of a quantity 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) "Toasted Crunchy Nut Bar."

On May 25, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

**4741. Adulteration of candy. U. S. v. Peter Anastasoff and James Anastasoff (Purity Candy Co.). Pleas of guilty. Defendants fined \$500 each on count 1, \$1 each on both counts 3 and 4, and sentenced to 5 months in jail on count 2. Jail sentence suspended and defendants placed on probation.** (F. D. C. No. 8767. Sample Nos. 5803-F to 5810-F, incl.)

On January 27, 1943, the United States attorney for the Eastern District of Missouri filed an information against Peter Anastasoff and James Anastasoff, trading as co-partners under the firm name of Purity Candy Co. at St. Louis, Mo., alleging shipment on or about July 16, 1942, from the State of Missouri into the States of Indiana, North Dakota, and West Virginia 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: "Liberty Deal," "Black Bottom," "Liberty," "Toasty-Treat," "Bomber," "Keep 'Em Flying."