

denced by chewed bags, rodent pellets, and quantities of nesting material. Examination of samples showed that the product contained rodent pellets and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 17, 1944. The Haslett Warehouse Co. having appeared as claimant, judgment was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7984. Adulteration of wheat bran. U. S. v. Colorado Milling and Elevator Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 14249. Sample No. 69116-F.)

INFORMATION FILED: December 21, 1944, District of Colorado, against the Colorado Milling and Elevator Co., a corporation, Denver, Colo.

ALLEGED SHIPMENT: On or about April 13, 1944, from the State of Colorado into the State of Michigan.*

LABEL, IN PART: "Pure Soft Wheat Bran Manufactured by The Mennel Milling Co. Toledo, Ohio."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insect parts, feather barbules, mites, larva heads, and larva and beetle parts; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 5, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$250 was imposed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY

7985. Adulteration of candy. U. S. v. Opera Chocolate Co., Inc., and Samuel I. Epstein. Pleas of guilty. Fine, \$400 against individual defendant; sentence suspended against corporate defendant. (F. D. C. No. 7652. Sample Nos. 54651-E, 84362-E, 84363-E, 89161-E, 89164-E.)

INFORMATION FILED: January 22, 1945, Southern District of New York, against the Opera Chocolate Co., Inc., New York, N. Y., and Samuel I. Epstein, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of January 23 and March 10, 1942, from the State of New York into the States of Delaware, New Jersey, and Connecticut.

PRODUCT: Examination of the product showed the presence of rodent hairs, human hairs, cat hairs, dirt fragments, miscellaneous filth having the characteristics of rodent excreta, metal and soot fragments, wood splinters, and metal shavings.

LABEL, IN PART: "The Original Opera Fluffs," "Opera Peanut Squares," "Opera Nougatines," or "The Original Opera Chocolate Int. Cherry Frappe."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 6, 1945. Pleas of guilty having been entered, the court imposed a fine of \$100 on each of 4 counts, a total of \$400, against the individual defendant, and suspended sentence against the corporate defendant.

7986. Adulteration of candy. U. S. v. W. Bronson Palmer, Jr., Edward C. Palmer, and (Mrs.) Winogene E. Palmer, trustees of the Estate of W. B. Palmer (Palmer Candy Co.). Plea of guilty. Fine, \$300 and costs. (F. D. C. No. 12591. Sample Nos. 40249-F, 40282-F, 67135-F.)

INFORMATION FILED: December 19, 1944, Northern District of Iowa, against W. Bronson Palmer, Jr., Edward C. Palmer, and Winogene E. Palmer, trustees of the estate of W. B. Palmer, trading as the Palmer Candy Co., Sioux City, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of February 4 and March 27, 1944, from the State of Iowa into the States of Minnesota and Nebraska.

LABEL, IN PART: (Wrappers) "Toms Peanut Cluster," "Milk Chocolate Peanut Soo Cluster," or "Palmer's Cherry Bing."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, an unidentified hair, a feather barbule, and a small piece of charred paper match; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 12, 1945. A plea of guilty having been entered on behalf of each and all of the defendants, a fine of \$100 on each of 3 counts was imposed.

7987. Adulteration of candy. U. S. v. James E. Harris (Harris Candy Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 12611. Sample Nos. 37385-F, 37386-F, 53483-F, 53484-F, 53488-F, 53489-F, 59090-F to 59092-F, incl., 79344-F to 79346-F, incl.)

INFORMATION FILED: January 3, 1945, Eastern District of Virginia, against James E. Harris, trading as the Harris Candy Co., Richmond, Va. The information charged the defendant with delivering 3 lots of candy for shipment in interstate commerce, and with giving a false guaranty with respect to 2 other lots. The guaranty was given by the defendant to Russell Mansfield, Richmond, Va., on or about December 16, 1943. It provided that all food furnished by the defendant to the latter firm, then or thereafter, would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about March 18 and 22, 1944, the defendant sold and delivered to Russell Mansfield a quantity of candy that was adulterated.

The deliveries for shipment were made by the defendant from the State of Virginia into the States of North Carolina and West Virginia on or about December 4 and 9, 1943. On or about March 18 and 22, 1944, Russell Mansfield shipped from the State of Virginia into the States of West Virginia and North Carolina quantities of the candy which had been delivered to him and guaranteed by the defendant.

LABEL, IN PART: (Wrappers) "Nuffsed," or "Fudge Bar."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, a whole insect, insect larvae, a pupa, hair fragments resembling rodent hair fragments, and a feather fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 30, 1945. The defendant having entered a plea of guilty, a fine of \$100 was imposed.

7988. Adulteration and misbranding of candy. U. S. v. Charles O. McAfee (McAfee Candy Co.). Plea of nolo contendere. Fine, \$3,000. (F. D. C. No. 14230. Sample Nos. 35265-F, 63305-F, 63306-F.)

INFORMATION FILED: February 12, 1945, Middle District of Georgia, against Charles O. McAfee, trading as the McAfee Candy Co., Macon, Ga.

ALLEGED SHIPMENT: On or about April 14, 15, and 18, 1944, from the State of Georgia into the State of Florida.

LABEL, IN PART: "Spanish Peanut Bar 5¢ * * * Net Weight 2¼ Oz."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), puffed wheat had been substituted in part for peanuts in the product; and, Section 402 (b) (4), puffed wheat had been added to the product or mixed or packed with it so as to make it appear to be a peanut bar, which is better and of greater value than the product was.

Misbranding, Section 403 (a), the name of the product, "Spanish Peanut Bar," was false and misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the wrappers enclosing it bore the statement "Net Wt. 2¼ Oz.," which was inaccurate since the candy bars weighed less than that amount.

DISPOSITION: April 18, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$3,000.

7989. Adulteration and misbranding of candy. U. S. v. Carlston Candy Co. Plea of guilty. Fine, \$100. (F. D. C. No. 14272. Sample Nos. 36591-F, 36595-F, 70020-F, 70021-F.)

INFORMATION FILED: February 7, 1945, District of Utah, against the Carlston Candy Co., a partnership, Salt Lake City, Utah.