

**LABEL, IN PART:** (Portions) "Bemont Foods," or "Super-fine Cookies."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence (in the candy) of hair fragments and a hair resembling a rodent hair, and (in the cookies) rodent hair fragments, cat hair fragments, insect fragments, a feather fragment, a rodent excreta fragment, and a human hair fragment; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

**DISPOSITION:** April 26, 1945. Pleas of guilty having been entered on behalf of all defendants, the court imposed a fine of \$500 against them jointly and severally on count 1, and sentenced both individual defendants to 30 days in jail on the same count. Sentence was suspended on the remaining 3 counts, and Israel and David Zatal were placed on probation for 3 years and 2 years, respectively.

**8339. Adulteration of candy. U. S. v. Jacob Garfunkel and Hyman Garfunkel (Surprise Candy Co). Pleas of guilty; each defendant fined \$1,000 and placed on probation for 1 year.** (F. D. C. No. 14260. Sample Nos. 66156-F, 66159-F, 70613-F, 76128-F.)

**INFORMATION FILED:** July 3, 1945, Southern District of New York, against Jacob Garfunkel and Hyman Garfunkel, trading as the Surprise Candy Co., New York, N. Y.

**ALLEGED SHIPMENT:** Between the approximate dates of January 21 and March 1, 1944, from the State of New York into the States of New Jersey, Connecticut, and Washington.

**LABEL, IN PART:** (Carton) "Surprise Hy-Bar"; (wrapper) "Hy-Bar Made of Chocolate and Peanuts."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a filthy substance and was otherwise unfit for food because of the presence of excessive amounts of grit, and the remainder consisted in whole or in part of a filthy substance because of the presence of rodent hairs, a rodent pellet, and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** July 18, 1945. Pleas of guilty having been entered, each defendant was fined \$1,000 and placed on probation for 1 year.

**S340. Adulteration of candy. U. S. v. Tom Huston Peanut Co. Plea of nolo contendere. Fine, \$2,000.** (F. D. C. No. 14305. Sample Nos. 35248-F, 35249-F, 63209-F, 63234-F.)

**INFORMATION FILED:** April 2, 1945, Middle District of Georgia, against the Tom Huston Peanut Co., a corporation, Columbus, Ga.

**ALLEGED SHIPMENT:** On or about February 23 and 25, and April 7, 1944, from the State of Georgia into the States of Florida and North Carolina.

**LABEL, IN PART:** (Wrappers) "Tom's Nut Caramel [or "Full Dinner"]."

**VIOLATION CHARGED:** Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

**DISPOSITION:** June 14, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500 on each count, a total fine of \$2,000.

**S341. Adulteration of candy. U. S. v. 150 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 14625. Sample No. 76800-F.)

**LABEL FILED:** December 6, 1944, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 27, 1944, by Lafond Chocolatier, from New York, N. Y.

**PRODUCT:** 150 boxes, each containing 64  $\frac{1}{2}$ -ounce bars, of candy at Newark, N. J.

**LABEL, IN PART:** (Bars) "Vitarex Chocolate Nuts-Fruit."

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

**DISPOSITION:** March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.