

13759. Adulteration of rice and pinto beans. U. S. v. 53 Bags, etc. (F. D. C. No. 25141. Sample Nos. 2811-K, 2812-K.)

**LIBEL FILED:** July 28, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about November 10, 1947, and May 14, 1948, from Stuttgart, Ark., and Rupert, Idaho.

**PRODUCT:** 53 100-pound bags of rice and 80 100-pound bags of pinto beans at Baltimore, Md.

**NATURE OF CHARGE:** The articles were adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that they consisted in whole or in part of filthy substances by reason of the presence of larvae, insect parts, rodent excreta, and rodent hairs.

**DISPOSITION:** August 30, 1948. The Maryland Grocery Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that the rice be denatured for use as animal feed and that the pinto beans be brought into compliance with the law, under the supervision of the Federal Security Agency.

13760. Adulteration of Cream of Maize. U. S. v. 30 Bags \* \* \*. (F. D. C. No. 25142. Sample No. 690-K.)

**LIBEL FILED:** On or about August 6, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about May 14, 1948, from Decatur, Ill.

**PRODUCT:** 30 50-pound bags of Cream of Maize at Atlanta, Ga., in possession of the Brown-Rogers-Dixson Co.

**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 rodent urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** September 28, 1948. Default decree of condemnation. The product was ordered delivered to a Federal penitentiary for non-food use.

13761. Adulteration of gingerbread mix. U. S. v. 31 Cases \* \* \*. (F. D. C. No. 24914. Sample No. 162-K.)

**LIBEL FILED:** On or about June 29, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about February 25, 1947, from Pittsburgh, Pa.

**PRODUCT:** 31 cases, each containing 24 14-ounce packages, of gingerbread mix at Atlanta, Ga.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

**DISPOSITION:** July 30, 1948. Default decree of condemnation and destruction.

13762. Adulteration of cake base and dog food base. U. S. v. 1 Barrel, etc. (F. D. C. No. 25417. Sample Nos. 19950-K, 44411-K, 44416-K.)

**LIBEL FILED:** August 27, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 6 and December 23, 1947, and February 6, 1948, from New York, N. Y.

**PRODUCT:** 1 300-pound barrel and 2 250-pound barrels of cake base and 3 250-pound barrels of food base at Middleport, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects. (The products were adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** October 7, 1948. Default decree of condemnation and destruction.

## CONFECTIONERY AND MISCELLANEOUS SACCHARINE PRODUCTS

763. Adulteration of candy. U. S. v. Francis C. Schingen (Standard Candy Co.). Plea of guilty. Fine of \$5,000 and imprisonment of 14 months. Prison sentence suspended and defendant placed on probation for 2 years. Upon violation of probation, defendant ordered to serve the prison sentence. Judgment affirmed upon appeal to the Court of Appeals for the Third Circuit. Sentence subsequently reduced to 6 months in prison. (F. D. C. No. 20185. Sample Nos. 4576-H, 5112-H.)

**INFORMATION FILED:** October 17, 1946, Eastern District of Pennsylvania, against Francis C. Schingen, trading as the Standard Candy Co., Philadelphia, Pa.

**ALLEGED SHIPMENT:** On or about September 11 and 12, 1945, from the State of Pennsylvania into the States of New Jersey and Delaware.

**TITLE, IN PART:** "Original Jumbo Ko-Kets Rich, Creamy Coconut Flavored Confection."

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

**DISPOSITION:** February 6, 1947. The defendant having entered a plea of guilty, the court imposed a fine of \$5,000. In addition the defendant was sentenced to imprisonment of 14 months, which was suspended, and was placed on probation for 2 years. Upon violation of probation, by reason of the presence of insanitary conditions in the defendant's factory, the court ordered the defendant to serve the prison sentence. The case was appealed to the United States Court of Appeals for the Third Circuit, and on June 12, 1947, the judgment was affirmed. A motion for reconsideration of sentence was made, and on August 19, 1947, the sentence was reduced to 6 months in prison.

764. Adulteration of candy. U. S. v. Manuel V. Davis (Davis Candy Co.). Plea of guilty. Fine, \$200, plus costs. (F. D. C. No. 25299. Sample Nos. 19508-K to 19511-K, incl.)

**INFORMATION FILED:** August 23, 1948, Eastern District of Tennessee, against Manuel V. Davis, trading as the Davis Candy Co., Chattanooga, Tenn.

**ALLEGED SHIPMENT:** On or about March 17 and 24, 1948, from the State of Tennessee into the States of North Carolina and Georgia.

**TITLE, IN PART:** "Davis 5¢ Peanut Butter Stick [or "Penny Mint Stick," "Penny Sticks," or "Mint Sticks 5¢"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and