

DISPOSITION: August 31, 1949. A plea of nolo contendere having been entered, the defendant was fined \$500 and sentenced to 6 months in jail. The jail sentence was suspended, and the defendant was placed on probation for 1 year.

15159. Adulteration of candy. U. S. v. 66 Cartons, etc. (F. D. C. No. 26935. Sample Nos. 10848-K to 10851-K, incl.)

LIBEL FILED: March 18, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 9 and 28, 1949, by the Riggi Candy Co., from Chicago, Ill.

PRODUCT: 66 35-pound cartons of jelly bird eggs; 172 cartons, each containing 12 1-pound bags, of marshmallow eggs; 1,500 cartons, each containing 12 1-pound bags, of bird eggs; and 180 cartons, each containing 30 packages, and each package containing 12 chocolate marshmallow Easter eggs, at Brooklyn, N. Y.

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

DISPOSITION: November 3, 1949. The sole intervener having withdrawn its claim, judgment of condemnation and destruction was entered.

15160. Adulteration of candy. U. S. v. 33 Chests * * *. (F. D. C. No. 27085. Sample No. 51727-K.)

LIBEL FILED: May 2, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 17, 1949, by the DiGiorgio Allegretto Co., from Chicago, Ill.

PRODUCT: 33 cedar chests, each containing 2 pounds, of candy at Cincinnati, Ohio.

LABEL, IN PART: "DiGiorgio Allegretto * * * For Mother."

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 insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

15161. Misbranding of candy. U. S. v. 37 Cartons * * *. (F. D. C. No. 27181. Sample No. 15288-K.)

LIBEL FILED: May 19, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 5, 1949, by Holiday Sweets, Inc., Columbus, Ohio.

PRODUCT: 37 cartons, each containing 45 packages, of candy at Chicago, Ill.

Examination showed the article consisted of artificially colored and flavored candy animals, packaged in a container the shape of a circus wagon. The candy was in a cellophane bag, which was folded in such a manner that the candy occupied only about 50 percent of the volume of the container, and the bags contained less than the declared weight of 4 ounces.

LABEL, IN PART: (Package) "Mrs. Steven's Jungle Jollies 4 Oz. or More Ingredients Sugar, Corn Syrup, Pure Fruit Coloring, Pure Fruit Flavoring 611 Sacramento Blvd., Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Pure Fruit Coloring" and "Pure Fruit Flavoring" were false and misleading since the product contained artificial color and flavor; Section 403 (d), the container was so made, formed, and filled as to be misleading since it was too large for the amount of candy contained therein; Section 403 (e) (1), the product was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, since the label bore only an address and failed to reveal that it was the address of the distributor; Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since the product contained more than sugar, corn sirup, flavor, and color; and, Section 403 (k), the product bore artificial flavoring and coloring and failed to bear labeling stating that fact.

DISPOSITION: July 25, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15162. Adulteration of sugar. U. S. v. 685 Bags * * *. (F. D. C. No. 25511. Sample No. 31266-K.)

LIBEL FILED: August 30, 1948, District of Arizona.

ALLEGED SHIPMENT: On or about May 27, 1948, from Oxnard, Calif.

PRODUCT: 685 100-pound bags of sugar at Phoenix, Ariz., in possession of Sloan's Transfer & Storage 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, 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: March 29, 1949. The American Crystal Sugar Co., Oxnard, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Accordingly, the product was satisfactorily refined.

15163. Adulteration of sugar. U. S. v. 619 Bags * * *. (F. D. C. No. 27086. Sample No. 40794-K.)

LIBEL FILED: May 3, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about June 24, 1947, from San Francisco, Calif.

PRODUCT: 619 bags, each containing 20 5-pound sacks, of sugar at Seattle, Wash., in possession of the Utley Warehouse Co.

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

DISPOSITION: May 26, 1949. The Spreckels Sugar Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemna-