

4059. Adulteration of rice. U. S. v. 370 Bags of Rice. Consent decree of condemnation. Product ordered released under bond for segregating the sound from the unsound. (F. D. C. No. 8149. Sample No. 13204-F.)

This product had been stored, after shipment, under insanitary conditions and when examined the bags showed evidence of contamination by rodents.

On August 19, 1942, the United States attorney for the Western District of Washington filed a libel against 370 100-pound bags of rice at Seattle, Wash., alleging that the article was in possession of the Olympic Warehouse & Cold Storage Co., and that it had been shipped in interstate commerce on or about April 1, 1942, from Houston, Tex.; 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 held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Red Diamond Brand Texas Patna Rice."

On September 9, 1942, Arthur B. King, F. Y. Louie, and Louie Kui, trading as Tsue Chong Co., having appeared as claimants, judgment of condemnation was entered and the product was ordered released under bond for segregation of the sound from the unsound portion under the supervision of the Food and Drug Administration. The unsound portion was destroyed or denatured.

4060. Adulteration of powdered St. John's bread. U. S. v. 32 Barrels of Powdered St. John's Bread. Default decree of destruction. (F. D. C. No. 7902. Sample No. 68361-E.)

This product contained capsicum or some other pungent substance foreign to St. John's Bread.

On July 14, 1942, the United States attorney for the District of Minnesota filed a libel against 32 barrels of St. John's Bread at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about March 17, 1942, by S. B. Penick & Co. from Chicago, Ill.; and charging that it was adulterated in that an article containing capsicum or other pungent substance had been substituted wholly or in part for St. John's Bread.

On September 8, 1942, no claimant having appeared, judgment was entered ordering the product be destroyed.

CONFECTIONERY AND SUGARS

CANDY

Nos. 4061 to 4088 report the disposition of legal actions involving lots of candy shipped in interstate commerce. Analysis of these candies showed that they contained one or more of various types of filth contamination such as rodent pellets, rodent hairs, insects, insect fragments, larvae, and miscellaneous filth.

4061. Adulteration of candy. U. S. v. Nishan Androyan (Eastern Candy Co.). Plea of nolo contendere. Judgment of guilty. Fine, \$1,000. (F. D. C. No. 6488. Sample Nos. 24146-E, 24147-E, 40712-E, 59865-E, 59866-E, 59881-E.)

On August 12, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Nishan Androyan, trading as Eastern Candy Co., Philadelphia, Pa., alleging shipment within the period from on or about September 12, 1940, to on or about March 14, 1942, from the State of Pennsylvania into the States of Maryland and New Jersey of quantities of candy which 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: "Cocoanut Cream Eggs," "Fruit and Nut Egg," "Butter Creams," "Cocoanut Clusters," "Cashew Clusters," or "Tas-Tee' Peanut Chews."

On September 10, 1942, a plea of nolo contendere having been entered the court found the defendant guilty and imposed a fine of \$1,000.

4062. Adulteration of candy. U. S. v. The McPhail Corporation. Plea of nolo contendere. Fine \$100. Sentence suspended for a period of 1 year. (F. D. C. No. 7246. Sample Nos. 37596-E, 37598-E, 48547-E, 48999-E, 49000-E, 70229-E.)

On June 29, 1942, the United States attorney for the Southern District of Florida filed an information against the McPhail Corporation, Jacksonville, Fla., alleging shipment within the period from on or about December 3 to on or about December 9, 1941, from the State of Florida into the States of Georgia and

South Carolina of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance and had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Russell McPhail Chocolates."

On October 5, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 without costs on count 1 and \$50 with costs on the remaining 5 counts, but ordered that sentence be suspended for a period of 1 year.

4063. Adulteration of candy. U. S. v. Health Food Products Co. Inc. (Mattingly Candy Co.) and W. Roy Clark. Pleas of guilty. Both defendants fined \$250 and costs on count 1 and \$1,000 on count 2. Payment of fines on count 2 suspended. (F. D. C. No. 7204. Sample Nos. 79901-E, 29415-E to 29419-E, incl., 29489-E.)

On June 24, 1942, the United States attorney for the Western District of Kentucky filed an information against the Health Food Products Co., Inc., also trading as Mattingly Candy Co., Louisville, Ky., and W. Roy Clark, alleging shipment on or about June 19 and May 22, 1941, from the State of Kentucky into the States of Indiana and Ohio of quantities of candy which 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: "Uncle Willie," "Scottie's Pecan Pie," "Scottie's Health Food," "Scottie's Oats-O-Peanuts," "Scottie's Cheese-N-Nut," "Scottie's Butter-Crisp," "Matty Boy Stick Candy."

On October 13, 1942, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$250 and costs against each defendant on count 1 and a fine of \$1,000 against each defendant on count 2. Payment of the fines on count 2, however, was suspended.

4064. Adulteration of candy. U. S. v. Edward T. James, Jr. (United Candy Co.). Plea of nolo contendere. Fine \$200. (F. D. C. No. 7655. Sample Nos. 48408-E, 48409-E, 48425-E, 70456-E.)

On August 31, 1942, the United States attorney for the Western District of North Carolina filed an information against Edward T. James, Jr., trading as United Candy Co. at Charlotte, N. C., alleging shipment within the period from on or about March 16 to on or about April 18, 1942, from the State of North Carolina into the State of South Carolina of quantities of candy that was adulterated. The article was labeled in part: "Peco Bar," "Fudge Bar," "Rainbow Bar," "Peanut Roll," "Big Pop Roll," "Cocoa Fudge," "Big Stick," "Cocoanut Bar," "Peanut Bar," or "Peanut Butter Bar." It was alleged to be 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.

On October 5, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$200.

4065. Adulteration of candy. U. S. v. McCord-Stewart Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 7663. Sample Nos. 48431-E, 48432-E, 70427-E, 70428-E, 70453-E.)

On September 16, 1942, the United States attorney for the Northern District of Georgia filed an information against the McCord-Stewart Co., a corporation, Atlanta, Ga., alleging shipment in the period from on or about February 5 to on or about April 8, 1942, from the State of Georgia into the States of South Carolina and Alabama of quantities of candy which was adulterated. The article was labeled in part: "Farm Bell Stick Candy."

It was alleged to be 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.

On September 25, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200.

4066. Adulteration of candy. U. S. v. Pascal D. Meadors and Morris M. Meadors (Meadors Manufacturing Co.) Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 7312. Sample Nos. 70458-E, 70459-E, 70724-E, 70741-E.)

On August 4, 1942, the United States attorney for the Western District of South Carolina filed an information against Pascal D. Meadors and Morris M. Meadors, copartners, trading as Meadors Manufacturing Co., at Greenville, S. C., alleging shipment within the period from on or about November 25, 1941, to on or about March 27, 1942, from the State of South Carolina into the State