

alleging that the articles had been shipped in interstate commerce on or about December 18, 1942, by the Gooch Food Products Co. from Lincoln, Nebr.; and charging that they were misbranded. They were labeled in part: (Package) "Gooch's Best 100% No. 1 Macaroni [or "Spaghetti"] * * * Net Weight 7 Oz."

The articles were alleged to be misbranded in that the statement "Net Weight 7 Oz." was false and misleading since it was incorrect, and in that they were in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 19, 1943, the Gooch Food Products Co. having appeared as claimant, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling and repackaging under the supervision of the Food and Drug Administration.

CHOCOLATE AND SUGAR PRODUCTS

CANDY

4940. Adulteration of candy. U. S. v. Jacques Vauzanges, an individual, acting as general manager of Chocolat-Menier. Plea of guilty. Fines, \$1,000 on count 1; \$500 on each of the remaining counts 2 to 9, inclusive, and 3 months imprisonment on each of the same counts, to run concurrently. Fines and prison sentences suspended on counts 2 to 9, inclusive, and defendant placed on probation for 2 years. (F. D. C. No. 9617. Sample Nos. 17184-F, 17185-F, 18413-F, 18414-F, 44565-F, 44566-F, 44571-F, 44573-F, 44574-F.)

Samples of this product were found to contain one or more of the following types of filth: Hairs similar to rodent hairs, rodent hair fragments, wood splinters, small fragments of dirt, metal fragments, carbon, pebbles, clay fragments, paper and paint fragments, rodent excreta fragments containing rodent hairs, rodent excreta, human hairs, insect fragments, and larvae capsules.

On May 12, 1943, the United States attorney for the District of New Jersey filed an information against Jacques Vauzanges, an individual acting as general manager of Chocolat-Menier at Hoboken, N. J., alleging shipment within the period from on or about January 27 to February 1, 1943, from the State of New Jersey into the States of New York and Connecticut of quantities of candy that was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Chocolat Menier * * * Vanilla Creams [or "Sour Orange," "Peanut Clusters," "Plantation," "Chocolate Caramels," or "Maple Cream Walnut"]".

On June 22, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 on the first count. The court also imposed \$500 on each of counts 2 to 9, inclusive, and 3 months imprisonment on each of the same counts, the prison sentences to run concurrently. The fines and prison sentences on counts 2 to 9, inclusive, were suspended and the defendant was placed on probation for 2 years.

4941. Adulteration of candy. U. S. v. Phil Silvershein Corporation. Plea of guilty. Fine, \$1,000. (F. D. C. No. 8827. Sample Nos. 19083-F to 19085-F, incl.)

On May 13, 1942, the United States attorney for the Southern District of New York filed an information against the Phil Silvershein Corporation at New York City, N. Y., alleging shipment on or about December 22, 1942, from the State of New York into the State of New Jersey of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence in the food of rodent and other animal hair fragments, insect parts and fragments, larvae, and dirt, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Pineapple Clusters * * *," or "Pioneer Topnotch Confections Milk Chocolate Brazil Nut Fancies [or "Little Chunky"]".

On June 24, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,000.

4942. Adulteration of candy. U. S. v. DeSoto Candy Co. Plea of nolo contendere. Fine, \$350. (F. D. C. No. 8818. Sample Nos. 28349-F, 28350-F, 29553-F.)

Samples of these products were found to contain rodent hair fragments, insect fragments, whole insects, and feather fragments.

On April 15, 1943, the United States attorney for the Southern District of Florida filed an information against the DeSoto Candy Co., a corporation, at Miami, Fla., alleging shipment within the period from on or about November 9 to 12, 1942, from the State of Florida into the State of Georgia of quantities of candies that were

adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Candies Made in Florida * * * Popcorn Bars [or "Peanut Square," or "Cocoanut Block"]."

On June 7, 1943, a plea of nolo contendere having been entered on behalf of the defendant corporation, the court imposed a fine of \$350.

4943. Adulteration of candy. U. S. v. Allen & Smith Co., Inc. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 8813. Sample Nos. 24370-F, 24515-F, 25259-F.)

Samples of this product were found to contain rodent hairs, hairs resembling rodent hairs, rodent pellet fragments, insects, and insect fragments.

On June 3, 1943, the United States attorney for the Eastern District of Virginia filed an information against the Allen & Smith Co., Inc., at Richmond, Va., alleging shipment within the period from on or about October 14 to November 3, 1942, from the State of Virginia into the States of West Virginia and Maryland of a quantity of candy that 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 may have become contaminated with filth. The article was labeled in part: "Good Nuff Peanut [or "P'Nut"] Bars."

On June 14, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$75.

4944. Adulteration of candy. U. S. v. Henry Heide, Inc. Plea of guilty. Fine, \$75. (F. D. C. No. 8826. Sample Nos. 18461-F, 18464-F, 18465-F, 18469-F.)

This product contained rodent hair fragments, hairs resembling rodent hairs, wood splinters, dirt, metal fragments, and plant fibers.

On May 13, 1943, the United States attorney for the Southern District of New York filed an information against Henry Heide, Inc. at New York City, N. Y., alleging shipment on or about December 3, 1942, from the State of New York into the State of New Jersey of a quantity of candy that 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 may have become contaminated with filth. The article was labeled in part: "Heide * * * Assorted Perfection Chocolates," "Quality Candies," "Heide's * * * Diamond Licorice Brand Gum Drops," or "Jujufruits."

On June 24, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$75.

4945. Adulteration of candy. U. S. v. 16 Boxes of Candy (and 2 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9474 to 9476, incl. Sample Nos. 33425-F to 33427-F, incl., 33429-F.)

This product contained insect fragments and hairs resembling those of rodents or cats.

On March 4, 1943, the United States attorney for the District of New Jersey filed libels against a total of 100 boxes of candy at Patterson, N. J., alleging that the article had been shipped in interstate commerce on or about February 11, 1943, by G. Cella, Inc., from New York, N. Y.; 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 prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Boxes) "Andino Brand * * * Andino Chocolate Co., Inc.," or "Cella's 100% Liquid Cherries."

On June 21 and September 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4946. Adulteration of candy. U. S. v. 245 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9520. Sample No. 17060-F.)

On March 11, 1943, the United States attorney for the Northern District of New York filed a libel against 245 1-pound boxes of candy at Albany, N. Y., alleging that the article had been shipped in interstate commerce on or about January 14 and February 9, 1943, by the C. A. Briggs Co. from Cambridge, Mass.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insect fragments and rodent hairs, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Aristo Chocolates" or "Old Cabin Sweets."

On May 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.