

ALLEGED SHIPMENT: Between the approximate dates of September 15 and November 28, 1944, from Cedar Rapids, Iowa.

PRODUCT: 34 100-pound bags of rolled oats at Atlanta, Ga., in the possession of the Brown-Rogers-Dixson Co. This product had been stored under insanitary conditions after shipment. The bags had been rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8336. Adulteration of popcorn. U. S. v. 400 Bags of Popcorn. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14157. Sample No. 79747-F.)

LABEL FILED: On or about November 8, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 17, 1944, from Roanoke, Va., by the Roanoke Public Warehouse, for Manley, Inc., of North Kansas City, Mo.

PRODUCT: 400 100-pound bags of popcorn at North Kansas City, Mo.

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, pupae, and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: December 12, 1944. Manley, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was cleaned, and the portion found to be unfit for human consumption was denatured.

8337. Adulteration of rice. U. S. v. 515 Bags of Rice. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 15142. Sample No. 63923-F.)

LABEL FILED: February 17, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 9, 1944, by V. Markovitz, from the Douglas Shippside Storage Corporation, New Orleans, La.

PRODUCT: 515 100-pound bags of rice at Jacksonville, Fla.

LABEL, IN PART: (Bags) "Rice * * * Levy Rice Milling Co., Inc., New Orleans, La."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, and rodent urine.

DISPOSITION: April 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal or poultry feed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS*

CANDY**

8338. Adulteration of candy and cookies. U. S. v. R. Zatal Foods, Inc., and Israel Zatal and David Zatal. Pleas of guilty; fine of \$500 against all defendants jointly and severally on count 1, plus sentence on count 1 of 30 days in jail imposed upon both Israel and David Zatal; sentence suspended on remaining counts, and Israel and David Zatal placed on probation. (F. D. C. No. 14270. Sample Nos. 52521-F, 57087-F, 75625-F, 80770-F.)

INFORMATION FILED: April 23, 1945, Southern District of New York, against R. Zatal Foods, Inc., New York, N. Y., and Israel Zatal and David Zatal, treasurer and secretary, respectively, of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of March 10 and July 15, 1944, from the State of New York into the States of Massachusetts, New Jersey, Pennsylvania, and Missouri.

*See also No. 8492.

**See also Nos. 8490, 8491, 8498, 8500.

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.

S339. 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.)

LIBEL 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 $\frac{7}{8}$ -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.