

**9675. Adulteration of popcorn. U. S. v. 30 Bags of Popcorn (and 4 other seizure actions against popcorn). Default decrees of condemnation. Product ordered sold.** (F. D. C. Nos. 17001 to 17003, incl., 17504, 17505, 17668, 17669, 17738. Sample Nos. 21896-H, 21904-H, 21911-H, 23047-H to 23049-H, incl., 23052-H, 23053-H.)

**LIBELS FILED:** September 28 and October 4 and 22, 1945, Western District of Tennessee.

**ALLEGED SHIPMENT:** Between the approximate dates of October 18, 1944, and May 29, 1945, by G. C. Atkins, from Shawneetown, Ill., and Durant, Okla.

**PRODUCT:** 97 bags, each containing 100 pounds, of popcorn at Memphis, Tenn.

**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 moths, weevils, and larvae.

**DISPOSITION:** December 3, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered sold, to be denatured under the supervision of the Federal Security Agency, and disposed of for purposes other than human consumption.

**9676. Adulteration of rice. U. S. v. 359 Bags of Rice. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 17146. Sample Nos. 26934-H to 26936-H, incl.)

**LIBEL FILED:** On or about August 23, 1945, District of Colorado.

**ALLEGED SHIPMENT:** On or about May 2, 1942, by the Liberty Rice Mill, Inc., from Kaplan, La.

**PRODUCT:** 359 100-pound bags of rice at Denver, Colo.

**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 beetles, larvae, and insect fragments.

**DISPOSITION:** September 7, 1945. The Berger Sales Co., Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by washing, under the supervision of the Food and Drug Administration.

**9677. Adulteration of rice. U. S. v. 37 Bags of Rice. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 17138. Sample No. 19402-H.)

**LIBEL FILED:** August 18, 1945, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 8, 1945, from Chicago, Ill.

**PRODUCT:** 37 100-pound bags of rice at Minneapolis, Minn., in the possession of the Kedney Warehouse. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta, rodent hairs, moths, and larvae.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 14, 1945. The Liberty Cafe, Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

**9678. Adulteration of Wheatmix and wheat germ. U. S. v. 73 Cases of Wheatmix and 21 Cases of Wheat Germ. Default decree of condemnation. Products ordered released under bond.** (F. D. C. No. 16755. Sample Nos. 20087-H, 20088-H.)

**LIBEL FILED:** June 25, 1945, District of Nebraska.

**ALLEGED SHIPMENT:** On or about May 15, 1945, by the Dwarfies Corporation, from Council Bluffs, Iowa.

**PRODUCT:** 73 cases, each containing 18 packages, of Dwarfies Wheatmix and 21 cases, each containing 12 jars, of Dwarfies Toasted Wheat Germ at Omaha, Nebr.

**LABEL, IN PART:** "Dwarfies Wheatmix \* \* \* The Added Wheat Germ," or "Dwarfies Toasted Wheat Germ."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta fragments, larvae, and larva fragments.

**DISPOSITION:** August 24, 1945. The Dwarfies Corporation having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond for conversion into stock feed under the supervision of the Federal Security Agency.

## CHOCOLATE AND RELATED PRODUCTS

### CANDY

**9679. Adulteration of candy. U. S. v. Close and Co. Plea of nolo contendere. Fine, \$1,000 and costs. (F. D. C. No. 16515. Sample Nos. 18401-H, 18402-H.)**

**INFORMATION FILED:** October 4, 1945, Northern District of Illinois, against Close and Co., a partnership, Chicago, Ill.

**ALLEGED SHIPMENT:** On or about February 21, 1945, from the State of Illinois into the State of South Dakota.

**LABEL, IN PART:** "Drop Kicks Assorted Flavors," or "Root Beer Barrels Candy With Flavor."

**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 hairs and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 27, 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 of \$1,000 plus costs.

**9680. Adulteration of candy. U. S. v. Mello-Sweets, Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 16564. Sample Nos. 74691-F, 83365-F, 25722-H, 27310-H, 27520-H, 28229-H, 28230-H, 28317-H.)**

**INFORMATION FILED:** September 27, 1945, District of Oregon, against Mello-Sweets, Inc., a corporation, Portland, Oreg.

**ALLEGED SHIPMENT:** Between the approximate dates of November 20, 1944, and January 29, 1945, from the State of Oregon into the States of California, Wisconsin, and Washington.

**LABEL, IN PART:** "Nut Log," or "Valentine Candies."

**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 hair fragments, hair fragments resembling rodent hair, a rodent pellet, a larva, an insect fragment, and a cat hair; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 27, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**9681. Adulteration of candy. U. S. v. 7,695 Cartons of Candy Bars. Default decree of condemnation and destruction. (F. D. C. No. 16775. Sample No. 29691-H.)**

**LABEL FILED:** July 3, 1945, Northern District of California.

**ALLEGED SHIPMENT:** On or about April 22, 1945, by the Vendors Consolidating Co., Inc., from Jersey City, N. J.

**PRODUCT:** 7,695 cartons each containing 24 candy bars at Oakland, Calif. Examination of this product showed that it was fermenting.

**LABEL, IN PART:** "Chocolate Covered Peanut Bar \* \* \* Made by Leading Candy Co. New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.