

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

DISPOSITION: December 13, 1945. A plea of guilty having been entered, the court imposed a fine of \$25 on each count, a total fine of \$150.

9694. Adulteration of milk chocolate coating. U. S. v. 343 Boxes and 384 Boxes of Milk Chocolate Coating. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 17004, 17005. Sample Nos. 24867-H, 24868-H.)

LABELS FILED: September 21, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 27 and June 20, 1945, by Walter Baker and Co., Inc., from Milton, Mass.

PRODUCT: 727 boxes, each containing 5 10-pound bars, of milk chocolate coating at New Orleans, La. Examination showed that the product contained insect excreta and mold.

LABEL, IN PART: "La Belle Chocolatiere Milk Chocolate Coating," or "Milk Chocolate Coating Mayflower."

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

DISPOSITION: September 26, 1945. The Jacobs Candy Co., Inc., New Orleans, La., having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond for the segregation and reclamation of the fit portion and the conversion of the remainder for nonfood use, under the supervision of the Federal Security Agency.

9695. Adulteration and misbranding of cocoa and cocoa substitute. U. S. v. Joseph B. Robinson (J. B. Robinson). Plea of guilty. Fine, \$2,500 and costs, and sentence of 6 months' imprisonment. (F. D. C. No. 14266. Sample Nos. 23654-F, 43194-F, 47673-F.)

INFORMATION FILED: April 5, 1945, Northern District of Ohio, against Joseph B. Robinson, trading as J. B. Robinson, Cleveland, Ohio.

ALLEGED SHIPMENT: On or about May 6, October 7, and November 2, 1943, from the State of Ohio into the States of Pennsylvania, Missouri, and Oregon.

LABEL, IN PART: "Robinson's Delicious Breakfast Cocoa Substitute," or "Robinson's Fine Breakfast Cocoa Substitute"; (portion) "1 Sack 100 lbs. Dark Cocoa" [or "Sweet Cocoa"]. The remainder of the cocoa bore no label giving the name of the product, but it was invoiced as "cocoa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the cocoa substitute and a portion of the cocoa consisted in whole or in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, and hairs and hair fragments resembling rodent hairs.

Further adulteration (lot labeled "Dark Cocoa" and lot invoiced as "Cocoa"), Section 402 (b) (2), a mixture of cacao shell and powdered cacao bean had been substituted in whole or in part for cocoa; and, Section 402 (b) (4), cacao shell had been added to the article and mixed and packed with it so as to reduce its quality and strength.

Misbranding, Section 403 (a), the label statement "Dark Cocoa" was false and misleading; Section 403 (b), a mixture of cacao shell and powdered cacao bean had been offered for sale under the name of another food, "Cocoa" or "Dark Cocoa"; and, Section 403 (e) (2), the lot invoiced as "Cocoa" failed to bear a label containing a statement of the quantity of the contents.

DISPOSITION: On January 29, 1946, the defendant pleaded guilty. On March 28, 1946, the defendant was sentenced to 6 months' imprisonment and fined \$2,500, plus costs.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 9696 to 9703; that was below the standard for milk fat content, Nos. 9700 to 9717; and that was short of the declared weight, Nos. 9717 and 9718.