

11134. Adulteration and misbranding of ice cream cones. U. S. v. Eastern Baking Co., a partnership, and Nathan Shapiro and Samuel Shapiro, Jr. Pleas of guilty on behalf of the partnership and Nathan Shapiro, and plea of nolo contendere on behalf of Samuel Shapiro, Jr. Fines of \$300 each against the partnership and Nathan Shapiro and \$100 against Samuel Shapiro, Jr. (F. D. C. No. 19522. Sample Nos. 3113-H, 7215-H, 11178-H to 11180-H, incl.)

INFORMATION FILED: April 10, 1946, District of Massachusetts, against the Eastern Baking Co., Chelsea, Mass., and Nathan Shapiro and Samuel Shapiro, Jr., partners.

ALLEGED SHIPMENT: Between the approximate dates of June 21 and July 3, 1945, from the State of Massachusetts into the States of New York, Maine, and New Hampshire, and the District of Columbia.

LABEL, IN PART: "Toot Cake Cup Cones" or "'Fro-Joy' Cake Cones * * * Made under rigid sanitary conditions * * * General Ice Cream Corporation."

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 hair fragments, insect fragments, whole beetles, insect larvae, and a cat hair fragment; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (a), the statement "Made under rigid sanitary conditions," borne on the labels of one of the shipments, was false and misleading since the article was made under insanitary conditions in a dirty plant infested with insects and rodents.

DISPOSITION: April 8, 1947. Pleas of guilty having been entered by Nathan Shapiro on behalf of himself and the partnership, and a plea of nolo contendere having been entered by Samuel Shapiro, Jr., the court imposed fines of \$300 each against the partnership and Nathan Shapiro and \$100 against Samuel Shapiro, Jr.

11135. Adulteration of cookies. U. S. v. 93 Packages * * * (and 2 other seizure actions). (F. D. C. Nos. 20077, 20355, 20356. Sample Nos. 36024-H to 36026-H, incl., 56523-H to 56526-H, incl.)

LIBELS FILED: On or about June 7 and 26 and July 2, 1946, District of Kansas.

ALLEGED SHIPMENT: Between the approximate dates of March 29 and May 21, 1946, by the Heart of America Baking Co., from Kansas City, Mo.

PRODUCT: 93 12-ounce and 15-ounce packages of assorted cookies and sandwich cookies at Kansas City, Kans., 234 12-ounce and 15-ounce packages of sandwich cookies at Topeka, and 663 and 234 15-ounce packages of sandwich cookies at McPherson and Great Bend, Kans., respectively.

LABEL, IN PART: "Sweetheart Sandwich Cookies [or "Assorted," or "Banana"]," or "Sweetheart Fancy Assorted Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence (in one lot) of rodent excreta, rodent hair fragments, insect fragments, and (in remaining lots) either insects or insect parts, or both; and, Section 402 (a) (4), (all lots) the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 11 and October 9, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the products were ordered destroyed.

11136. Adulteration of oatmeal cookies. U. S. v. 19 Cases * * *. (F. D. C. No. 19838. Sample No. 35505-H.)

LIBEL FILED: May 6, 1946, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about April 13, 1946, by the Sweetheart Cookie Co., from St. Louis, Mo.

PRODUCT: 19 cases, each containing 14½ pounds, of cookies at Centralia, Ill.

LABEL, IN PART: "Addie Mae Oatmeal."

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