

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

Misbranding, Section 403 (a), the label statement "Meets requirements of Pure Food, Drug, and Cosmetic Act of 1938" was false and misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 20, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

CONFECTIONERY

12856. Adulteration of sugar toasted peanuts. U. S. v. Jacob Serata and Morris Golden. Pleas of guilty. Jacob Serata fined \$100; Morris Golden fined \$400 and placed on 1 year's probation. (F. D. C. No. 20444. Sample Nos. 4596-H, 4597-H.)

INFORMATION FILED: September 12, 1946, District of New Jersey, against Jacob Serata and Morris Golden, Bridgeton, N. J.

ALLEGED SHIPMENT: On or about October 17 and 25, 1945, from the State of New Jersey into the State of Pennsylvania.

LABEL, IN PART: "ABC Sugar Toasted Peanuts * * * Distributed by Berlo Vending Co. Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of whole insects, insect fragments, and larvae; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 1, 1946. Pleas of guilty having been entered, Jacob Serata was fined \$100, and Morris Golden was fined \$400 and placed on 1 year's probation.

12857. Adulteration and misbranding of popcorn confections. U. S. v. Krispy Kone Co. Plea of guilty. Fine, \$250 and costs. (F. D. C. No. 23331. Sample Nos. 40488-H, 40489-H, 50283-H, 50284-H, 52074-H.)

INFORMATION FILED: September 3, 1947, Southern District of Iowa, against the Krispy Kone Co., a corporation, Des Moines, Iowa.

ALLEGED SHIPMENT: On or about January 24, 28, and 30, 1947, from the State of Iowa into the States of Illinois, Alabama, and Minnesota.

LABEL, IN PART: "Nuggets [or "Krispy Brand Nuggets"] * * * 3¼ Oz.," or "Nuggetts 'Carmel Corn' in Bulk 20 lbs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the products contained an added deleterious substance, mineral oil, which is unsafe within the meaning of the law, since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice; and, Section 402 (d), the product was confectionery, and it contained a nonnutritive substance, mineral oil.

Misbranding, Section 403 (a), the statement "Butter Honey" borne on the labels was false and misleading, since the products did not contain butter and honey. Further misbranding (portion), Section 403 (a), the statement "3¼ Oz." was false and misleading, since the packages in some of the shipments so labeled contained less than 3¼ ounces; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 23, 1948. A plea of guilty having been entered by the defendant, the court imposed a fine of \$250, together with costs.

12858. Adulteration of fruit confection. U. S. v. 40 Cases * * *. (F. D. C. No. 19361. Sample No. 58266-H.)

LIBEL FILED: On or about April 6, 1946, District of Montana.

ALLEGED SHIPMENT: On or about November 16, 1945, by the Fruit Bar Products Co., from Los Angeles, Calif.

PRODUCT: 40 cases, each containing 24 14-ounce packages, of fruit confection at Billings, Mont.