

**ALLEGED SHIPMENT:** On or about August 6 and December 23, 1947, and February 6, 1948, from New York, N. Y.

**PRODUCT:** 1 300-pound barrel and 2 250-pound barrels of cake base and 3 250-pound barrels of food base at Middleport, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects. (The products were adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** October 7, 1948. Default decree of condemnation and destruction.

## CONFECTIONERY AND MISCELLANEOUS SACCHARINE PRODUCTS

763. Adulteration of candy. U. S. v. Francis C. Schingen (Standard Candy Co.). Plea of guilty. Fine of \$5,000 and imprisonment of 14 months. Prison sentence suspended and defendant placed on probation for 2 years. Upon violation of probation, defendant ordered to serve the prison sentence. Judgment affirmed upon appeal to the Court of Appeals for the Third Circuit. Sentence subsequently reduced to 6 months in prison. (F. D. C. No. 20185. Sample Nos. 4576-H, 5112-H.)

**INFORMATION FILED:** October 17, 1946, Eastern District of Pennsylvania, against Francis C. Schingen, trading as the Standard Candy Co., Philadelphia, Pa.

**ALLEGED SHIPMENT:** On or about September 11 and 12, 1945, from the State of Pennsylvania into the States of New Jersey and Delaware.

**IN PART:** "Original Jumbo Ko-Kets Rich, Creamy Cocoanut Flavored Confection."

**NATURE OF CHARGE:** Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

**DISPOSITION:** February 6, 1947. The defendant having entered a plea of guilty, the court imposed a fine of \$5,000. In addition the defendant was sentenced to imprisonment of 14 months, which was suspended, and was placed on probation for 2 years. Upon violation of probation, by reason of the presence of insanitary conditions in the defendant's factory, the court ordered the defendant to serve the prison sentence. The case was appealed to the United States Court of Appeals for the Third Circuit, and on June 12, 1947, the judgment was affirmed. A motion for reconsideration of sentence was made, and on August 1947, the sentence was reduced to 6 months in prison.

764. Adulteration of candy. U. S. v. Manuel V. Davis (Davis Candy Co.). Plea of guilty. Fine, \$200, plus costs. (F. D. C. No. 25299. Sample Nos. 19508-K to 19511-K, incl.)

**INFORMATION FILED:** August 23, 1948, Eastern District of Tennessee, against Manuel V. Davis, trading as the Davis Candy Co., Chattanooga, Tenn.

**ALLEGED SHIPMENT:** On or about March 17 and 24, 1948, from the State of Tennessee into the States of North Carolina and Georgia.

**IN PART:** "Davis 5¢ Peanut Butter Stick [or "Penny Mint Stick," "Penny Sticks," or "Mint Sticks 5¢"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and

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

DISPOSITION: November 4, 1948. A plea of guilty having been entered, a fine of \$200, plus costs, was imposed.

13765. Adulteration of candy. U. S. v. Roy Z. Hershey (Pitt Chocolate Co.). Plea of guilty to one count and plea of nolo contendere to remaining 5 counts. Fine of \$200 on each of six counts, plus costs. Total amount of fine subsequently reduced to \$600. (F. D. C. No. 25284. Sample Nos. 4931-K, 4975-K to 4977-K, incl., 8113-K, 8114-K.)

INFORMATION FILED: August 16, 1948, Western District of Pennsylvania, against Roy Z. Hershey, trading as the Pitt Chocolate Co., Wilkinsburg, Pa.

ALLEGED SHIPMENT: On or about March 22, 30, and 31, 1948, from the State of Pennsylvania into the States of Massachusetts and Connecticut.

LABEL, IN PART: "Pitt Cordial Chocolate Covered Stem Cherries" or "Bon-Bons."

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

DISPOSITION: October 29, 1948. The defendant having entered a plea of guilty to count 4 of the information and a plea of nolo contendere to the other five counts, a fine of \$200, plus costs, was imposed on each of the six counts. On December 28, 1948, with the consent of the United States Attorney's Office, the total amount of the fine was reduced to \$600.

13766. Adulteration of candy. U. S. v. Gurley Chocolate Co. Plea of guilty. Fine of \$150 on each of counts 1 and 2; imposition of sentence suspended on count 3 and defendant placed on probation for 18 months. (F. D. C. No. 24241. Sample Nos. 51687-H, 52195-H, 52196-H.)

INFORMATION FILED: October 17, 1947, District of Minnesota, against the Gurley Chocolate Co., a partnership, Minneapolis, Minn.

ALLEGED SHIPMENT: Between the approximate dates of October 15 and December 3, 1946, from the State of Minnesota into the States of Iowa, North Dakota, and South Dakota.

LABEL, IN PART: "Gurley's Minneapolis Florentine Chocolates" and "Gurley's Hidden Treasures."

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 insects, insect fragments, insect eggs, rodent hair fragments, and cat hair fragments.

DISPOSITION: February 5, 1948. A plea of guilty having been entered, the court imposed a fine of \$150 on each of counts 1 and 2, suspended the imposition of sentence on count 3, and placed the defendant on probation for 18 months.

13767. Adulteration of candy. U. S. v. Just Born, Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 25300. Sample Nos. 3319-K, 3320-K, 8243-K, 9726-K.)