

**CHOCOLATE AND CANDY**

**15072. Adulteration of chocolate coating. U. S. v. 14 Bags, etc. (F. D. C. No. 27091. Sample Nos. 42881-K, 58700-K.)**

**LIBEL FILED:** May 23, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 18 and June 16, 1948, from Florin, Pa.

**PRODUCT:** 61 200-pound bags of chocolate coating at Chicago, Ill., in possession of the Kimbell Candy Co.

**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 rodent- and insect-eaten chocolate, insect and rodent excreta, rodent hairs, and insect webbing; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 17, 1949. The Kimbell Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of removing and denaturing the unfit portion and salvaging the wholesome portion, under the supervision of the Food and Drug Administration. The salvaging operations resulted in the denaturing of 346 pounds and the salvaging of 11,827 pounds.

**15073. Adulteration of cocoa beans. U. S. v. 300 Bags \* \* \*. (F. D. C. No. 26417. Sample No. 5705-K.)**

**LIBEL FILED:** January 19, 1949, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about January 16, 1947, from New York, N. Y.

**PRODUCT:** 300 140-pound bags of cocoa beans at Cambridge, Mass.

**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 excreta. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 28, 1949. The C. A. Briggs Co., Cambridge, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the removal of all objectionable material, under the supervision of the Federal Security Agency. The segregation operations were completed on or about June 2, 1949. Of the total of 355 bags which had been seized, 24 bags were segregated as unfit and were destroyed.

**15074. Adulteration of candy. U. S. v. Max M. Leon (Whole-Sum Products Co.), and Meyer S. Troop. Pleas of nolo contendere. Max M. Leon fined \$100 on count 1; imposition of sentence on count 2 against this defendant was suspended, and he was placed on probation for 2 years. Meyer S. Troop fined \$25 on each of counts 1 and 2. (F. D. C. No. 26766. Sample Nos. 2773-K, 42703-K.)**

**INFORMATION FILED:** May 26, 1949, Eastern District of Pennsylvania, against Max M. Leon, trading as the Whole-Sum Products Co., at Philadelphia, Pa., and against Meyer S. Troop, superintendent of the company.

**ALLEGED SHIPMENT:** On or about January 3 and 13, 1949, from the State of Pennsylvania into the State of Michigan and the District of Columbia.

**LABEL, IN PART:** "Stephen Perry Jell-Eo-Puffs [or "Jell-Eo-Mints"] \* \* \*  
Manufactured By Whole-Sum Products Co. Philadelphia, Pa."

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

**DISPOSITION:** August 22, 1949. Pleas of nolo contendere having been entered, the court imposed fines on count 1 of \$100 against defendant Leon and \$50 against defendant Troop. Imposition of sentence on count 2 was suspended, and both defendants were placed on probation for 2 years. On September 14, 1949, the sentence against defendant Troop was modified, pursuant to which he was fined \$25 on each of the two counts of the information, and he was released from probation.

**15075. Adulteration of candy. U. S. v. 20 Cases \* \* \*. (F. D. C. No. 26566. Sample No. 42710-K.)**

**LIBEL FILED:** February 25, 1949, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about January 11, 1949, by Zion Industries, Inc., from Zion, Ill.

**PRODUCT:** 20 cases, each containing 100 bars, of candy at Detroit, Mich.

**LABEL, IN PART:** "Zion Chocomint \* \* \* Net Wt. 1¼ Oz."

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

**DISPOSITION:** September 9, 1949. Default decree of condemnation and destruction.

**15076. Adulteration of candy. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 27084. Sample No. 19854-K.)**

**LIBEL FILED:** May 2, 1949, Middle District of Tennessee.

**ALLEGED SHIPMENT:** On or about March 31, 1949, by the DiGiorgio Allegretto Co., from Chicago, Ill.

**PRODUCT:** 8 cases, each containing 12 cedar chests, of candy at Nashville, Tenn.

**LABEL, IN PART:** (Chests) "Net Weight 2 Pounds \* \* \* Easter Greetings."

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

**DISPOSITION:** June 30, 1949. Default decree of destruction.

**15077. Adulteration of candy. U. S. v. 151 Cartons \* \* \*. (F. D. C. No. 27165. Sample Nos. 1225-K, 1232-K.)**

**LIBEL FILED:** May 13, 1949, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about May 28, 1948, from Jacksonville, Fla.

**PRODUCT:** 151 22-pound cartons of candy at Charleston, S. C., in possession of Charles R. Allen, Inc.