

INFORMATION FILED: April 8, 1948, District of Minnesota, against Fisher Nut & Chocolate Co., Inc., St. Paul, Minn., Sam S. Fisher, president, and Elmer C. Muggenburg, vice president.

ALLEGED SHIPMENT: On or about October 11, 14, 21, and 24, 1947, from the State of Minnesota into the States of Wisconsin, Michigan, Indiana, and South Dakota.

LABEL, IN PART: (Wrapper) "Fisher's Nutty Nougat [or "Salted Peanut Roll" or "Kingfisher"]."

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

DISPOSITION: On May 24, 1948, a plea of guilty having been entered on behalf of the corporation, it was fined \$1,500. On April 8, 1949, pleas of nolo contendere having been entered by the individual defendants, Sam S. Fisher was fined \$450 and Elmer C. Muggenburg was fined \$50.

15158. Adulteration of Nut Krunch, meringue, and Kream Fill. U. S. v. Herbert Kane (Brokay Products). Plea of nolo contendere. Fine of \$500 and jail sentence of 6 months; jail sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 26785. Sample Nos. 966-K, 967-K, 3732-K, 3872-K, 23641-K, 40304-K.)

INFORMATION FILED: June 2, 1949, Eastern District of Pennsylvania, against Herbert Kane, trading as Brokay Products, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about May 26, September 1, 10, and 20, and October 5, 1948, from the State of Pennsylvania into the States of Georgia, Virginia, Alabama, and Maryland.

LABEL, IN PART: "Brokay '90' Nut Krunch (Almond Flavored) Cont: Nuts, Corn Syrup, Maple Syrup, Pure and Imitation Flavor," "Brokay Nut Meat Krunch All Purpose Nuts Ingredients: Roasted Granulated Nuts, Cane Sugar, Maple Sugar, Whole Milk Solids & Flavor" or "Milk-White Meringue For Pies, Tarts and Lady-Locks," and "Kreamy-Kay Kream Fill For Cream Puffs, Eclairs, Boston Cream Cake, Pastry Fillings & Doughnuts."

NATURE OF CHARGE: Nut Krunch. Adulteration, Section 402 (b) (2), a product consisting in part of soybeans had been substituted for Nut Krunch of the composition declared on the label. Misbranding, Section 403 (a), the label statements, "Nut Krunch (Almond Flavored) Cont: Nuts, Corn Syrup, Maple Syrup, Pure and Imitation Flavor" or "Nut Meat Krunch All Purpose Nuts Ingredients: Roasted Granulated Nuts, Cane Sugar, Maple Sugar, Whole Milk Solids & Flavor," were false and misleading since the product consisted in part of soybeans; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient since the label failed to declare the presence of soybeans.

Meringue and Kream Fill. Adulteration, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Kream Fill. Misbranding, Section 403 (k), the product contained artificial coloring and did not bear labeling stating that fact.

DISPOSITION: August 31, 1949. A plea of nolo contendere having been entered, the defendant was fined \$500 and sentenced to 6 months in jail. The jail sentence was suspended, and the defendant was placed on probation for 1 year.

15159. Adulteration of candy. U. S. v. 66 Cartons, etc. (F. D. C. No. 26935. Sample Nos. 10848-K to 10851-K, incl.)

LIBEL FILED: March 18, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 9 and 28, 1949, by the Riggi Candy Co., from Chicago, Ill.

PRODUCT: 66 35-pound cartons of jelly bird eggs; 172 cartons, each containing 12 1-pound bags, of marshmallow eggs; 1,500 cartons, each containing 12 1-pound bags, of bird eggs; and 180 cartons, each containing 30 packages, and each package containing 12 chocolate marshmallow Easter eggs, at Brooklyn, N. Y.

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

DISPOSITION: November 3, 1949. The sole intervener having withdrawn its claim, judgment of condemnation and destruction was entered.

15160. Adulteration of candy. U. S. v. 33 Chests * * *. (F. D. C. No. 27085. Sample No. 51727-K.)

LIBEL FILED: May 2, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 17, 1949, by the DiGiorgio Allegretto Co., from Chicago, Ill.

PRODUCT: 33 cedar chests, each containing 2 pounds, of candy at Cincinnati, Ohio.

LABEL, IN PART: "DiGiorgio Allegretto * * * For Mother."

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

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

15161. Misbranding of candy. U. S. v. 37 Cartons * * *. (F. D. C. No. 27181. Sample No. 15288-K.)

LIBEL FILED: May 19, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 5, 1949, by Holiday Sweets, Inc., Columbus, Ohio.

PRODUCT: 37 cartons, each containing 45 packages, of candy at Chicago, Ill.

Examination showed the article consisted of artificially colored and flavored candy animals, packaged in a container the shape of a circus wagon. The candy was in a cellophane bag, which was folded in such a manner that the candy occupied only about 50 percent of the volume of the container, and the bags contained less than the declared weight of 4 ounces.

LABEL, IN PART: (Package) "Mrs. Steven's Jungle Jollies 4 Oz. or More Ingredients Sugar, Corn Syrup, Pure Fruit Coloring, Pure Fruit Flavoring 611 Sacramento Blvd., Chicago, Ill."