

tered and the court ordered that the product be released under bond, conditioned that 4 bags of the product which appeared to be badly damaged, be destroyed; that the contaminated portion of 6 other bags be segregated and destroyed; and that the remaining 26 bags and the salvaged portion of the 6 bags be repacked into new containers, under the supervision of the Food and Drug Administration.

## CHOCOLATE AND CANDY

### CHOCOLATE

**16310. Adulteration of chocolate liquor. U. S. v. 126 Cartons \* \* \*. (F. D. C. No. 28865. Sample No. 64054-K.)**

**LIBEL FILED:** February 21, 1950, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 13, 1947, from Fulton, N. Y.

**PRODUCT:** 126 Cartons, each containing 5 10-pound slabs, of chocolate liquor at St. Paul, Minn.

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

**DISPOSITION:** April 12, 1950. The Garrott Candy Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and reprocessing, under the supervision of the Food and Drug Administration. The chocolate was cleaned by scraping and brushing. Approximately 200 pounds of scrap chocolate were denatured.

### CANDY

**16311. Misbranding of candy. U. S. v. 16<sup>82</sup>/<sub>96</sub> Cases \* \* \*. (F. D. C. No. 28376. Sample No. 68401-K.)**

**LIBEL FILED:** December 22, 1949, Western District of Washington.

**ALLEGED SHIPMENT:** On or about October 31, 1949, by Garcia & O'Connell, Sebastopol, Calif.

**PRODUCT:** 16<sup>82</sup>/<sub>96</sub> cases, each full case containing 96 packages of candy at Seattle, Wash.

**LABEL, IN PART:** "Neat N' Sweet to Wear N' Eat Eaty-Beads \* \* \* Net Wt. 1<sup>3</sup>/<sub>4</sub> oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the product was short of the declared weight.)

**DISPOSITION:** May 25, 1950. A default decree of condemnation was entered. Accordingly, the court ordered that the product be delivered to a charitable institution.

**16312. Misbranding of candy. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 29019. Sample No. 72566-K.)**

**LIBEL FILED:** March 24, 1950, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about January 7, 1950, by Bennett Candies, Inc., from Waco, Tex.

**PRODUCT:** 10 cases, each containing 15 cartons, of candy at Newport, Ky. Examination showed that the product was egg-shaped candy, with semihard centers.

**LABEL, IN PART:** (Carton) "One Dozen M. M. Turkey Eggs"; (eggs) "Slats Golden Brittle Net Wt. 1 Oz. Ingredients: Peanuts," "Slats Golden Peanut Brittle Bar Net Wt. One Ounce Ingredients: Peanuts," "Old Time Peanut \* \* \* Peanuts Net Weight - 1 Ounce or Over," and "Our Pride and Joy Pecan Roll Net Wt. 1¼ Oz. Ingredients: Pecans."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "Golden Brittle \* \* \* Ingredients: Peanuts," "Golden Peanut Brittle Bar \* \* \* Ingredients: Peanuts," "Peanut \* \* \* \* Peanuts," and "Pecan Roll \* \* \* Ingredients: Pecans" were false and misleading as applied to the articles, which did not contain nuts; and, Section 403 (e) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents. (The articles were short of the declared weight.)

**DISPOSITION:** May 2, 1950. Default decree of condemnation. The court ordered that the candy be delivered to a charitable institution for its use, but not for sale.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 16313 to 16315, and that was below the legal standard for milk fat content, Nos. 16314 to 16319.

**16313. Adulteration of butter. U. S. v. Sherman White & Co. Plea of nolo contendere. Fine of \$900 and costs. (F. D. C. No. 29130. Sample Nos. 41864-K, 46592-K, 46595-K.)**

**INFORMATION FILED:** April 6, 1950, Northern District of Indiana, against Sherman White & Co., a corporation, Fort Wayne, Ind.

**ALLEGED SHIPMENT:** On or about August 11 and 18 and September 1, 1949, from the State of Indiana into the States of Michigan and Pennsylvania.

**LABEL, IN PART:** (Portion) "Silverbrook Creamery Butter."

**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 hairs, and one shipment consisted in part of a decomposed substance by reason of the use of decomposed cream in the manufacture of the product; and, Section 402 (a) (4), the product in two of the shipments had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 4, 1950. A plea of nolo contendere having been entered, the defendant was fined \$900, together with costs.

**16314. Adulteration of butter. U. S. v. 318 Boxes (20,034 pounds) \* \* \***  
(F. D. C. No. 28552. Sample No. 42174-K.)

**LABEL FILED:** October 26, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 27, 1949, by the W. B. Pruitt Produce Co., from Muskogee, Okla.

**PRODUCT:** 318 63-pound boxes of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), a