

hand was disposed of. Since the Administrator was not satisfied with this, the president of the defendant corporation returned to Omaha and ordered all existing stocks of the questionable carton destroyed. All in all, over 120,000 cartons were destroyed. On May 9, 1945, a local agent of the Administrator came to the company's mill and there found the company's employees cutting and dumping the farina packages. It was not until a year after this incident that any action was taken. On July 6, 1946, this prosecution was commenced.

"The court feels that the policies and purposes of the Act were properly effectuated when the defendant voluntarily destroyed the illicit containers. It has suffered ample pecuniary damage already and there is no question of its good faith attempt to comply with the Act.

"The court therefore finds the defendant Omar, Incorporated, guilty as charged in the information. The sentence will be the imposition of a fine of \$12.50 on each count, or a total of \$25.00 on both counts, together with the costs of this prosecution.

"The defendant Roth is found not guilty and he is therefore discharged and released."

16660. Adulteration of rice. U. S. v. 55 Bags * * *. (F. D. C. No. 29547. Sample No. 34358-K.)

LIBEL FILED: August 26, 1950, District of Nevada.

ALLEGED SHIPMENT: On or about October 12, 1949, from Houston, Tex.

PRODUCT: 55 100-pound bags of rice at Reno, Nev., in possession of Lindley & Co.

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 and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 22, 1950. Default decree of condemnation and destruction.

16661. Adulteration of brewers rice. U. S. v. 1,000 Bags * * *. (F. D. C. No. 29542. Sample No. 69603-K.)

LIBEL FILED: August 24, 1950, Western District of New York.

ALLEGED SHIPMENT: On or about July 24, 1950, from West Sacramento, Calif., by the Rice Growers Assn. of California.

PRODUCT: 1,000 100-pound bags of brewers rice at Buffalo, N. Y.

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: September 21, 1950. Willich & Co., New York, N. Y., 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 denaturing, under the supervision of the Federal Security Agency.

CHOCOLATE AND CONFECTIONERY

16662. Adulteration of chocolate coating. U. S. v. 129 Bales * * *. (F. D. C. No. 29505. Sample No. 85532-K.)

LIBEL FILED: July 29, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about May 26 and 31, 1950, from Elizabethtown, Pa.

PRODUCT: 129 200-pound bales of chocolate coating at Minneapolis, Minn., in possession of the Security Warehouse Co.

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

DISPOSITION: September 8, 1950. The Klein Chocolate Co., Elizabethtown, Pa., 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 reprocessing, under the supervision of the Federal Security Agency. The reprocessing operations consisted of cutting and scraping the unfit portion from the chocolate, with the result that approximately 60 pounds of unfit chocolate were destroyed.

16663. Adulteration of candy. U. S. v. Harry Wartnick. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 24811. Sample Nos. 71140-H, 71325-H.)

INFORMATION FILED: District of Hawaii, against Harry Wartnick, Honolulu, T. H. The date of filing is unknown.

ALLEGED SHIPMENT: On or about March 28, 1947, from the Territory of Hawaii into the State of California.

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

DISPOSITION: March 6, 1950. The case having been transferred for plea and final disposition to the United States District Court for the Southern District of California, and the defendant having entered a plea of nolo contendere, the court imposed a fine of \$250.

16664. Adulteration of candy. U. S. v. 20 Boxes * * *. (F. D. C. No. 29692. Sample No. 86145-K.)

LIBEL FILED: August 21, 1950, District of Arizona.

ALLEGED SHIPMENT: On or about May 2, 1950, from Fort Worth, Tex.

PRODUCT: 20 boxes, each containing 24 bars, of candy at Phoenix, Ariz.

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 live insects. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1950. Default decree of condemnation and destruction.

16665. Adulteration and misbranding of Coconut Crisp. U. S. v. 1,402 Cases * * *. (F. D. C. No. 29712. Sample No. 35470-K.)

LIBEL FILED: August 29, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about April 21 and 28, 1950, by Confections, Inc., from Chicago, Ill.

PRODUCT: 1,402 cases, each containing 48 2½-ounce packages, of Coconut Crisp at San Francisco, Calif. Examination showed that the product consisted essentially of caramel-coated popcorn containing a small amount of coconut and artificial coconut flavor.