

**CANDY AND SIRUP****CANDY**

18151. Adulteration of candy. U. S. v. Lee Chocolate Co. Plea of nolo contendere. Fine of \$500 on count 1; fine of \$1,000 on counts 2 through 6 suspended and defendant placed on probation for 3 years. (F. D. C. No. 31534. Sample Nos. 898-L, 1002-L, 1003-L, 1005-L, 1006-L, 20764-L.)

INFORMATION FILED: August 28, 1951, Northern District of Georgia, against the Lee Chocolate Co., a corporation, Atlanta, Ga.

ALLEGED SHIPMENT: On or about January 4, 8, 17, 24, and 26, and February 1, 1951, from the State of Georgia into the States of Florida, Alabama, and North Carolina.

LABEL, IN PART: "Chocolate Cherries Av. Wt. 1½ Oz," "Toasted Coconut Average Weight 2 Ozs," and "10¢ Pecan Roll Avg. Wt. 1 Oz."

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

DISPOSITION: September 28, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$500 on count 1 of the information and a fine of \$1,000 on counts 2 through 6. The court suspended the latter fine, however, and placed the defendant on probation for 3 years.

18152. Misbranding of candy. U. S. v. 72 Boxes \* \* \*. (F. D. C. No. 32378. Sample No. 26370-L.)

LIBEL FILED: December 21, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about November 20, 1951, by Leader Novelty Co., Inc., from Brooklyn, N. Y.

PRODUCT: 72 boxes, each containing 6 6-ounce packages, of candy at Trenton, N. J.

LABEL, IN PART: (Package) "Merry Christmas."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 6 Ozs." was inaccurate.

DISPOSITION: February 15, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**SIRUP**

18153. Adulteration and misbranding of sorghum sirup. U. S. v. 93 Cases \* \* \*. (F. D. C. No. 32344. Sample No. 32600-L.)

LIBEL FILED: January 2, 1952, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 6, 1951, by Joe's Leader Fruit & Produce Co., from East St. Louis, Ill.

PRODUCT: 93 cases, each containing 12 4½-pound cans, of sorghum sirup at St. Louis, Mo.

**LABEL, IN PART:** "Good Old Country Sorghum."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), glucose and sugar sirup had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (b), the product had been offered for sale under the name of another food, namely, sorghum; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** January 30, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

**18154. Misbranding of sorghum sirup. U. S. v. Charles Miller (Charles Miller Produce). Plea of guilty. Defendant fined \$250 and placed on probation for one year. (F. D. C. No. 30605. Sample Nos. 77849-K, 77850-K.)**

**INFORMATION FILED:** On or about August 24, 1951, Western District of Missouri, against Charles Miller, trading as Charles Miller Produce, Joplin, Mo.

**INTERSTATE SHIPMENT:** On or about October 10, 1950, the defendant shipped from the State of Louisiana, to Joplin, Mo., a number of unlabeled cans of sorghum sirup.

**ALLEGED VIOLATION:** Between October 10 and November 6, 1950, while the sirup was being held for sale after shipment in interstate commerce, the defendant caused to be affixed to a number of the cans a label which bore, among other things, the following printed and graphic matter: "Sorghum Made From Pure Cane Juice."

On or about November 6, 1950, the defendant sold and delivered a number of cans of the sirup labeled as heretofore described. It was charged that the defendant's act of labeling the cans of sirup resulted in the sirup in the labeled cans being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Sorghum Made From Pure Cane Juice" was false and misleading since the statement represented and suggested that the article was sorghum, whereas, the article was not sorghum but was a sirup containing glucose.

**DISPOSITION:** December 3, 1951. A plea of guilty having been entered, the court imposed a fine of \$250 and placed the defendant on probation for 1 year.

## CEREALS AND CEREAL PRODUCTS

### CORN MEAL

**18155. Adulteration and misbranding of corn meal. U. S. v. 203 Cases \* \* \*. (F. D. C. No. 32549. Sample No. 16984-L.)**

**LIBEL FILED:** February 25, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about December 20 and 26, 1951, and January 2, 1952, by Millstream Cereal Mills, from Bonner Springs, Kans.

**PRODUCT:** 203 cases, each containing 10 5-pound bags, of white corn meal at Los Angeles, Calif.

**LABEL, IN PART:** (Bag) "Mammy Lou \* \* \* Enriched Degerminated White Corn Meal."