

CHOCOLATE, SUGAR, AND RELATED PRODUCTS***CANDY**

19214. Adulteration of candy. U. S. v. Melster Candies, Inc., and Grant W. Bilstad. Pleas of nolo contendere. Corporation fined \$900; individual fined \$150. (F. D. C. No. 32777. Sample Nos. 11141-L, 19067-L, 33945-L, 33946-L.)

INFORMATION FILED: On or about April 30, 1952, Western District of Wisconsin, against Melster Candies, Inc., Cambridge, Wis., and Grant W. Bilstad, plant superintendent.

ALLEGED SHIPMENT: Between the approximate dates of September 12 and November 2, 1951, from the State of Wisconsin into the States of Ohio, Missouri, and Minnesota.

LABEL, IN PART: "Melster 'Cherrie'" or "Tom's Nut Royal [or "Cherry Bar"]
* * * Tom Huston Peanut Co. Columbus, Georgia."

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

DISPOSITION: October 22, 1952. The defendants having entered pleas of nolo contendere, the court fined the corporation \$900 and the individual defendant \$150.

19215. Adulteration of candy. U. S. v. Martha Jane Candies, Inc. Plea of guilty. Fine, \$3,000. (F. D. C. No. 32809. Sample Nos. 16137-L, 21915-L, 30879-L.)

INFORMATION FILED: July 29, 1952, Western District of Texas, against Martha Jane Candies, Inc., Waco, Tex.

ALLEGED SHIPMENT: On or about February 4, 7, and 15, 1952, from the State of Texas into the States of Oklahoma, Illinois, and Louisiana.

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

DISPOSITION: November 12, 1952. A plea of guilty having been entered, the court fined the defendant \$3,000.

19216. Adulteration of candy. U. S. v. 11 Cases * * *. (F. D. C. No. 33089. Sample Nos. 6826-L to 6829-L, incl.)

LABEL FILED: April 21, 1952, Western District of New York,

ALLEGED SHIPMENT: On or about March 10, 1952, by the Charland Candy Mfg. Co., from Chicago, Ill.

PRODUCT: 11 cases, each containing from 14 to 16 boxes, of candy at Rochester, N. Y.

*See also No. 19213.

LABEL, IN PART: "Charland's 24 5¢ Marshmallow Delight [or "Pecan Fudge Square"]," "120 Count Coconut Fudge," or "Home Made Style 120 Count Brazil Fudge."

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

DISPOSITION: May 26, 1952. Default decree of condemnation and destruction.

COCOA

19217. Adulteration and misbranding of cocoa. U. S. v. 34 Bags * * *. (F. D. C. No. 32991. Sample No. 38027-L.)

LIBEL FILED: March 31, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 29, 1952, by the Clinton Chocolate Co., from Boston, Mass.

PRODUCT: 34 100-pound bags of cocoa at Brooklyn, N. Y.

LABEL, IN PART: "Harvard Brand Cocoa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), flour had been substituted in part for cocoa; and, Section 402 (b) (4), flour had been added to the product and mixed and packed with it so as to increase its bulk and weight.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cocoa since it contained flour, which is not a permitted optional ingredient of cocoa.

DISPOSITION: August 1, 1952. The Clinton Chocolate Co., 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 the segregation of the portion that was in compliance with the law and the reprocessing of the remainder, under the supervision of the Food and Drug Administration.

Segregation operations resulted in the salvaging of 19 bags of pure cocoa. The 15 bags of flour-adulterated cocoa were converted to a chocolate-flavored dessert mix and were labeled accordingly.

19218. Adulteration and misbranding of cocoa. U. S. v. 28 Bags * * *. (F. D. C. No. 32916. Sample No. 11936-L.)

LIBEL FILED: March 26, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 13 and 29, 1952, by J. F. Braun & Son, Inc., from New York, N. Y.

PRODUCT: 28 100-pound bags of cocoa at Reading, Ohio.

LABEL, IN PART: "Harvard Brand Cocoa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), flour had been substituted in part for cocoa; and, Section 402 (b) (4), flour had been added to the product and mixed and packed with it so as to increase its bulk or weight.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cocoa since it contained flour, which is not permitted as an optional ingredient of cocoa. (Examination disclosed that the product contained approximately 10 percent flour.)

DISPOSITION: July 21, 1952. The Clinton Chocolate Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered