

SHIPPED: 1-25-57 and 2-20-57, from Iola, Kans., by Sifers Chocolate Syrup Co., Inc.

LABEL IN PART: (Jar) "New Sifers Homogenized Chocolate Flavored Syrup."

LIBELED: 3-14-57, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained insect larvae, insects, insect parts, and rodent hairs when shipped.

DISPOSITION: 5-2-57. Default—destruction.

24298. Chocolate-flavored sirup. (F. D. C. No. 40047. S. No. 33-652 M.)

QUANTITY: 22 12-jar cases at Clinton, Mo.

SHIPPED: 2-20-57, from Iola, Kans., by Sifers Chocolate Syrup Co., Inc.

LABEL IN PART: (Jar) "New Sifers Homogenized Chocolate Flavored Syrup."

LIBELED: 3-14-57, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs when shipped.

DISPOSITION: 5-2-57. Default—destruction.

24299. Candy. (F. D. C. No. 40437. S. Nos. 34-455 M, 34-472 M.)

INFORMATION FILED: 11-12-57, W. Dist. Mo., against Hill Candy Co., Inc., Kansas City, Mo., and Chester K. Hill, president.

SHIPPED: Between 1-30-57 and 5-7-57, from Missouri to Nebraska.

LABEL IN PART: "Monkey Bar Net Wt. 1¼ oz. Hill Candy Company 423 Delaware, Kansas City, Mo." and "Pecan Divinity 9 Oz. Or Over Hill Candy Co., Inc. Kansas City, Mo. Ingredients Sugar, Corn Syrup, Egg Whites, Invert Sugar, Convertit, Nuts and Artificial Flavoring."

CHARGE: 402 (a) (3)—all candy (counts 1 and 2) contained rodent hair fragments; 402 (a) (4)—all candy (counts 1 and 2) was prepared under unsanitary conditions; 402 (b) (2)—(count 2) a product in which the nut ingredients consisted of peanuts and pecans had been substituted for a product containing pecans as its sole nut ingredient, which the pecan divinity candy was represented to be; 403 (a)—(count 3) the label statement "Pecan Divinity \* \* \* Ingredients \* \* \* Nuts" was false and misleading since such statement represented and suggested that the nut ingredient contained in the pecan divinity candy consisted solely of pecans, whereas, the nut ingredient contained in such candy consisted of pecans and peanuts; 403 (i) (2)—(count 3) the label of the pecan divinity candy did not bear the common or usual name of each ingredient; and 403 (k)—(count 3) the pecan divinity candy contained artificial coloring, and it did not bear labeling stating that fact.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court and jury on 1-20-58, and at the conclusion of the trial the jury returned a verdict of guilty on counts 1 and 2 of the information, and a verdict of not guilty with respect to count 3. On 2-7-58, the court fined the corporation \$500, plus costs, and placed the individual on probation for 1 year.