

LBELED: 9-11-58, S. Dist. N.Y.

CHARGE: 402(a)(2)—contained an added poisonous or deleterious substance, a fluorine compound, which is unsafe within the meaning of 406(a), since it is not required in the production of cocoa press cake and can be avoided by good manufacturing practices; and 402(a)(4)—held under insanitary conditions in proximity to sodium silico fluoride.

DISPOSITION: 10-16-58. Default—destruction.

CONFECTIONERY

5188. Candy. (F.D.C. No. 41200. S. Nos. 23-252/3 M, 76-316/7 M.)

INFORMATION FILED: 6-18-58, Dist. Mass., against Liberty Chocolate Co., Inc., Boston, Mass., and Angelo Cataldo, Jr., president and treasurer.

SHIPPED: 11-7-57 and 11-8-57, from Massachusetts to Vermont and Rhode Island.

LABEL IN PART: (Pkg.) "120 Count 1¢ Each Peppermint Pattie Frappé" or "120 Count 1¢ Each Chocolate Marshmallow Twists" or "120 Count 1¢ Each Maple Flavored Frappé."

CHARGE: 402(a)(3)—contained rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-29-58. Corporation—\$1,000 fine; individual—sentence suspended, and placed on probation for 2 years.

5189. Candy. (F.D.C. No. 41735. S. Nos. 7-008/9 P, 7-014 P, 7-016 P.)

INFORMATION FILED: 6-18-58, Dist. Mass., against John W. Stewart Co., Inc., Salem, Mass., and Walter L. Abbot, president.

SHIPPED: 12-30-57, from Massachusetts to Connecticut.

LABEL IN PART: (Pkg.) "Salem's Old Fashioned Candies * * * Peppermint Sticks [or 'Ginger Sticks' or 'Horehound Sticks' or 'Wintergreen Sticks']."

CHARGE: 402(a)(3)—contained rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-21-58. Corporation—\$250 fine; individual—placed on probation for 1 year.

5190. Candy. (F.D.C. No. 41693. S. No. 19-779 P.)

QUANTITY: 77 ctns., 16 6-oz. pkgs. each, at Oklahoma City, Okla.

SHIPPED: 4-7-58, from Jacksonville, Fla., by T.M.K. Co., Inc.

LABEL IN PART: (Pkg.) "America's Finest Cashew Nut Delight * * * Contents * * * Cashew Nuts, Sweet Cocoa."

LBELED: 5-5-59, W. Dist. Okla.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 6-5-58. Default—consumption by animals.

5191. Candy. (F.D.C. No. 41565. S. Nos. 31-365/6 P.)

QUANTITY: 3 ctns., 355 $\frac{7}{8}$ -oz. bars total, and 17 ctns., 3,340 $1\frac{1}{4}$ -oz. bars total, of candy at Morristown, N.J.

SHIPPED: 4-4-58, from Brooklyn, N.Y., by Rockwood Chocolate Co.

LABEL IN PART: (Bar) "Rockwood Pecan Feast with Fruit and Nuts Chocolate."

LIBELED: 5-19-58, Dist. N.J.

CHARGE: 402(b)(2)—when shipped, peanuts had been substituted in whole or in part for pecans; 403(a)—the label statement "Pecan Feast" was false and misleading as applied to an article in which peanuts had been substituted in part for pecans; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient, since the peanuts had not been declared.

DISPOSITION: 6-23-58. Default—delivered to local charitable institution for their use and not for sale.

25192. Candy. (F.D.C. No. 42256. S. Nos. 7-958 P, 7-960 P.)

QUANTITY: 2,116 lbs. at Boston, Mass.

SHIPPED: Between 8-29-58 and 10-17-58, from Georgia, Florida, Alabama, Tennessee, and Mississippi. These were return shipments.

LIBELED: 10-27-58, Dist. Mass.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 11-24-58. Default—destruction.

25193. Dietetic candy substitute. (F.D.C. No. 42136. S. No. 24-079 P.)

QUANTITY: 2 cases, 24 6½-oz. pkgs. each, and 1 case, 24 13-oz. pkgs. at Los Angeles, Calif.

SHIPPED: 8-5-58, from Brooklyn, N.Y., by Dietetic Food Co., Inc.

LABEL IN PART: (Pkg.) "Dia-Mel—Low in Calories—Dietetic Substitute."

LIBELED: 10-7-58, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insect fragments, insect excreta, rodent sand, soil, and carbon when shipped.

DISPOSITION: 10-27-58. Default—destruction.

25194. Marshmallows. (F.D.C. No. 42108. S. No. 43-458 P.)

QUANTITY: 361 cases, 12 1-lb. bags each, at Denver, Colo.

SHIPPED: 3-21-58, from Los Angeles, Calif.

LIBELED: 9-3-58, Dist. Colo.

CHARGE: 402(a)(3)—contained mold and a decomposed substance when shipped for sale.

DISPOSITION: 10-30-58. Default—destruction.

SIRUP AND SUGAR*

25195. Sorghum sirup. (F.D.C. No. 41758. S. No. 28-070 P.)

INFORMATION FILED: 9-11-58, E. Dist. Tex., against C. L. Williamson, Dallas, Tex.

SHIPPED: 12-1-57, from Texas to Oklahoma.

LABEL IN PART: (Can) "Pure Sorghum Syrup Country Made Net (Can) 44 Fluid Ounces."

*See also No. 25176.