

**LIBELED:** 10-19-59, E. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-10-59. Consent—claimed by General Cocoa Co., Inc., New York, N.Y. Segregated; 605 lbs. destroyed.

**26223. Cocoa beans.** (F.D.C. No. 43632. S. No. 73-499 P.)

**QUANTITY:** 30 140-lb bags at Brooklyn, N.Y.

**SHIPPED:** 7-31-57, from outside the United States.

**LIBELED:** 11-12-59, E. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 12-9-59. Consent—claimed by Ernest Adler Co., Inc., New York, N.Y. Segregated; 115 lbs. destroyed.

### CONFECTIONERY

**26224. Candy.** (F.D.C. No. 43264. S. Nos. 28-909/10 P, 56-477/80 P, 71-990 P.)

**INFORMATION FILED:** 1-6-60, M. Dist. Ga., against McAfee Candy Co., Inc., Macon, Ga.

**SHIPPED:** Between 5-12-59 and 6-3-59, from Georgia to Louisiana, North Carolina, Missouri, and Arkansas.

**LABEL IN PART:** "Tom's COCOANUT HUTS [or "COCONUT JOE"] Dist. by Tom Huston Peanut Co., Columbus, Ga."; "McAfee's Wellmade TOASTIE Honeycombed Peanut Butter McAfee Candy Co., Inc., Macon, Georgia;" "16 Lb. BULK HAYSTAX McAfee Candy Company, Inc. Macon Ga."; "Tom's PEPPERMINTS Mints Distributed by Tom Huston Peanut Co., Columbus, Ga. 120 Count"; and "Tom's PEPPERMINTS 120 Count Tom's For Taste."

**CHARGE:** 402(a)(3)—contained insects, insect parts, and rodent hair fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 1-6-60. \$5,000 fine.

### HONEY AND SIRUP

**26225. Honey.** (F.D.C. No. 43482. S. No. 76-365 P.)

**QUANTITY:** 80 60-lb. cans at St. Louis, Mo.

**SHIPPED:** 11-6-57, from Corning, Ark., by C. Fred Rogers.

**RESULTS OF INVESTIGATION:** Examination showed that the article was fermenting.

**LIBELED:** 10-19-59, E. Dist. Mo.

**CHARGE:** 402(a)(3)—contained a decomposed substance while held for sale; 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i)—when shipped, its label failed to bear the common or usual name of the food.

**DISPOSITION:** 11-5-59. Consent—claimed by Carl F. Hoffman, t/a Hoffman Brokerage Co., St. Louis, Mo. Segregated; 25 cans destroyed.

**26226. Sorghum sirup.** (F.D.C. No. 43107. S. No. 28-320 P.)

**INFORMATION FILED:** 6-29-59, E. Dist. Okla., against Dan W. Lehman, Haileyville, Okla.

**SHIPPED:** 11-5-58, from Oklahoma to Texas.

**LABEL IN PART:** (Can) "Dalton's Best Maid COUNTRY SORGHUM Made From Cane CONTENTS APPROX. 1 Qt. and 1 Pt. Packed For BEST MAID PRODUCTS FT. WORTH, TEXAS."

**CHARGE:** 402(b)(2)—when shipped, a substance other than sorghum had been substituted in part for sorghum which the article was represented to be. (Examination showed that the article contained invert sugar sirup.)

**PLEA:** Not guilty.

**DISPOSITION:** On 9-14-59, the case came on for trial before the court and jury. At the conclusion of the Government's testimony a motion for acquittal was made on behalf of the defendant and was sustained.

## EGGS

**26227. Frozen eggs (2 seizure actions).** (F.D.C. Nos. 43471, 43484. S. Nos. 66-116/7 P, 66-166 P.)

**QUANTITY:** 885 30-lb. cans at Pittsburgh, Pa.

**SHIPPED:** Between 9-8-59 and 9-28-59, from Coldwater, Ohio.

**LIBELED:** 10-8-59 and 10-19-59, W. Dist. Pa.

**CHARGE:** 402(a)(3)—contained decomposed eggs while held for sale.

**DISPOSITION:** 10-29-59. Harry Cohen, t/a Haco Food Products Co., Pittsburgh, Pa., having appeared as claimant and the seizure actions having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion. The segregation operations resulted in the denaturing of 337 cans.

**26228. Frozen eggs.** (F.D.C. No. 43935. S. No. 58-275 P.)

**QUANTITY:** 350 30-lb. cans at Brooklyn, N.Y.

**SHIPPED:** 8-18-59, from Forest Park, Ga., by Superior Eggs, Inc.

**LABEL IN PART:** "Superior \* \* \* Whole Eggs \* \* \* Packed by Superior Eggs Inc Forest Park, Ga. Ga. Dept of Agriculture Permit 869 T."

**LIBELED:** 12-10-59, E. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained decomposed eggs when shipped.

**DISPOSITION:** 1-12-60. Consent—claimed by Washington Creamery Phila. Corp., Philadelphia, Pa. Segregated; 102 cans denatured.

## FEEDS AND GRAINS

**26229. Shelled yellow corn.** (F.D.C. No. 41232. S. No. 55-065 M.)

**QUANTITY:** 1,100 bushels at Trenton, Ky.

**SHIPPED:** Between May and June 1957, from New Albany, Ind., by Garrison Elevator Co.

**LIBELED:** 12-18-57, W. Dist. Ky.

**CHARGE:** 402(a)(2)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, thiram, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on shelled yellow corn has been prescribed by regulations.

**DISPOSITION:** 5-2-58. Default—destruction.