

On November 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4316. Adulteration and misbranding of egg noodles. U. S. v. 147 Cases of Egg Noodles. Default decree of condemnation. Product ordered delivered to a State institution. (F. D. C. No. 8634. Sample No. 4288-F.)**

This product contained less than 5½ percent egg solids.

On October 23, 1942, the United States attorney for the Southern District of Indiana filed a libel against 147 cases, each containing 12 bags of egg noodles, at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about September 15 and September 24, 1942, by Mrs. Kelley's Noodle Kitchen from Dayton, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Bag) "E Brand \* \* \* Eavey's Pure Egg Noodles."

The article was alleged to be adulterated in that a valuable constituent, egg, had been wholly or in part omitted therefrom; and in that a substance deficient in egg solids had been substituted wholly or in part for egg noodles, which the article purported and was represented to be.

It was alleged to be misbranded in that the statement "Pure Egg Noodles," was false and misleading as applied to an article that was deficient in egg solids, and in that it was offered for sale under the name of another food, egg noodles.

On December 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 13, 1943, this judgment was amended to order the product delivered to a State institution instead of being destroyed.

**4317. Adulteration of egg noodles. U. S. v. 93 Cases, 14 Cases and 8 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 8450, 8687. Sample Nos. 14240-F, 14546-F, 14547-F.)**

This product contained beetles, larvae, insect fragments, and excreta pellets.

On October 1 and November 4, 1942, the United States attorney for the District of Arizona filed libels against 107 cases, each containing 12 1-pound bags, and 8 cases, each containing 24 8-ounce packages, of egg noodles at Phoenix and Safford, Ariz., alleging that the article had been shipped in interstate commerce on or about March 21 and July 13, 1942, by the Fontana Food Products Co. from South San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Fontana's Egg Noodles."

On November 30 and December 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4318. Adulteration of cereal binder. U. S. v. 16½ Barrels of Cereal Binder. Default decree of condemnation and destruction. (F. D. C. No. 8413. Sample No. 4422-F.)**

This product contained weevils, larvae, and insect fragments.

On September 24, 1942, the United States attorney for the Southern District of Ohio filed a libel against 16½ barrels, each containing 250 pounds, of cereal binder at Cincinnati, Ohio, which had been consigned on or about August 14 and 20, 1942, alleging that the article had been shipped in interstate commerce by the Griffith Laboratories, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Griffith's Golden Cereal Binder Fine."

On November 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANDY, SUGAR, AND CHOCOLATE PRODUCTS

### CANDY

Nos. 4319 to 4329 report the disposition of legal actions involving candy found to be contaminated with one or more types of filth, such as rodent pellets, rodent hairs, hairs resembling rodent hairs, insects, or insect fragments.

**4319. Adulteration of candies. U. S. v. Emanuel M. Frangos (Jane Louise Candies). Plea of guilty. Fine, \$300. (F. D. C. No. 7692. Sample Nos. 1153-E, 59891-E, 87798-E.)**

On October 13, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Emanuel M. Frangos, trading as

Jane Louise Candies at Lancaster, Pa., alleging shipment on or about March 7 and April 27, 1942; from the State of Pennsylvania into the State of Maryland and the District of Columbia of quantities of candies which were adulterated. Portions of the article were labeled in part: "Lady Jane Chocolates," or "Ye Olde Colonial Assorted Chocolates."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, since it contained rodent hairs, insects, and insect fragments, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 16, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$300.

**4320. Adulteration of candy. U. S. v. Jobbers Candy Company, Inc. Plea of guilty. Fine \$200.** (F. D. C. No. 7667. Sample Nos. 59654-E, 59664-E to 59666-E incl. and 79032-E.)

On November 9, 1942, the United States attorney for the Western District of Virginia filed an information against the Jobbers Candy Co., Inc., a corporation, at Bristol, Va., alleging shipment within the period from on or about September 5 to on or about September 11, 1941, from the State of Virginia into the States of West Virginia and Kentucky of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Merry Christmas Stick," "Virginia Beauty Brand," or "Colonial Brand Pure Stick Candy."

On November 9, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**4321. Adulteration of candy. U. S. v. Buren McGilvary Bennett. (Empire State Candy Co.) Plea of guilty. Fine \$300.** (F. D. C. No. 7305. Sample Nos. 48403-E, 70437-E, 70452-E.)

On August 4, 1942, the United States attorney for the Middle District of Georgia filed an information against Buren McGilvary Bennett, trading as the Empire State Candy Co., at Athens, Ga., alleging shipment in the period from on or about March 12 to on or about March 25, 1942, from the State of Georgia into the State of South Carolina, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Empire State's Cocoanut Roll [or "Mint Braid," "Peanut Brittle," "Caramel Cocoanut," "Pineapple Cocoanut," "Rainbow Cocoanut," "Peanut Roll," "Jack Pot," or "Chocolate Fudge"]."

On November 13, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$300.

**4322. Adulteration of candy. U. S. v. San-Man Chocolates Co. and William W. Cummings and Everett Buck. Plea of guilty. Fine of \$50 against the corporation and \$25 against each individual defendant.** (F. D. C. No. 5575. Sample Nos. 40805-E, 40806-E, 51082-E, 51303-E, 51509-E, 69038-E, 69135-E.)

On December 8, 1942, the United States attorney for the District of Massachusetts filed an information against the San-Man Chocolates Co., a corporation, Boston, Mass., and William W. Cummings and Everett Buck, officers of the corporation, alleging shipment within the period from on or about January 9 to on or about May 6, 1941, from the State of Massachusetts into the States of Maine, New York, Pennsylvania, New Jersey, Vermont, and Rhode Island, of quantities of candy that was adulterated. Portions of these shipments were made in the name of the Romance Chocolates Co. The article was labeled in part: "Brick Top' Caramel Pops," "Honey Caramel Circles By Romance," "Bouquet of Sweets," "Rosella Chocolates," "Miss Ann's Assorted Chocolates," or "San-Man Chocolates."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 22, 1942, pleas of guilty having been entered on behalf of the defendant corporation, and by the individual defendants, the court imposed a fine of \$50 against the corporation and a fine of \$25 against each of the individual defendants.