

DISPOSITION: November 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder, conditioned that it be denatured so that it could not be disposed of for human consumption.

10248. Adulteration of popcorn. U. S. v. 26 Bags of Popcorn. Default decree of condemnation. Product ordered delivered to a county officer, to be disposed of for animal feed. (F. D. C. No. 17675. Sample No. 23787-H.)

LIBEL FILED: September 27, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about May 28, 1945, from Fort Smith, Ark.

PRODUCT: 26 100-pound bags of popcorn at Houston, Tex., in possession of the Houston Terminal Warehouse and Cold Storage Co. The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were observed on the bags, and examination showed that the product contained rodent excreta and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county officer, to be used for animal feed by county charitable institutions.

10249. Adulteration of granulated rice. U. S. v. 160 Bags of Granulated Rice. Decree of destruction. (F. D. C. No. 17493. Sample No. 14205-H.)

LIBEL FILED: September 19, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 7, 1945, by Champion Rice Mills of Tennessee, from Memphis, Tenn.

PRODUCT: 160 100-pound bags of granulated rice at Cincinnati, Ohio.

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 beetles, larvae, and insect fragments.

DISPOSITION: September 25, 1945. The consignee having consented to the entry of a decree, judgment was entered ordering the product destroyed.

CANDY AND CHOCOLATE SIRUP*

10250. Adulteration of candy. U. S. v. Melba Sweets Co. and Fred Malzone. Pleas of guilty. Fred Malzone fined \$500 and placed on probation for 2 years. Partnership fined \$1,000; payment suspended. (F. D. C. No. 12539. Sample Nos. 66152-F to 66155-F, incl., 76207-F.)

INFORMATION FILED: August 14, 1944, District of New Jersey, against the Melba Sweets Co., a partnership, West New York, N. J., and Fred Malzone, a partner.

ALLEGED SHIPMENT: Between the approximate dates of January 31 and February 16, 1944, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Melbits," or "Melba's Chocolate Peanut Bar."

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 hair fragments, insect fragments, human hair fragments, and cat hair fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 1, 1944. Pleas of guilty were entered on behalf of both defendants. Fred Malzone was fined \$2,500 (\$500 on each of 5 counts) of which \$2,000 was suspended. In addition, he was sentenced to 3 months in jail, which sentence was suspended, and he was placed on probation for a period of 2 years. The partnership was fined \$1,000, but payment was suspended.

10251. Adulteration of candy, pretzels, and salted almonds. U. S. v. Howard W. Neal (Party Snax Food Products Co.). Plea of nolo contendere. Fine, \$750. (F. D. C. No. 16563. Sample Nos. 27518-F, 80882-F, 83896-F.)

INFORMATION FILED: September 21, 1945, Southern District of California, against Howard W. Neal, trading as the Party Snax Food Products Co., Los Angeles, Calif.

*See also No. 10329.