

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance and was otherwise unfit for food by reason of contamination with filth derived from slop water; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as animal feed.

**11159. Misbranding of potato pancake mix. U. S. v. 51 Cases \* \* \* (F. D. C. No. 20072. Sample No. 58687-H.)**

**LABEL FILED:** June 12, 1946, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about May 14, 1946, by the Vanderwall Dried Foods Co., from Alhambra, Calif.

**PRODUCT:** 51 cases, each containing 48 4-ounce cartons, of potato pancake mix at Yakima, Wash.

**LABEL, IN PART:** "Idaho Joe's Quick Potato Pancake Mix \* \* \* containing dried potatoes \* \* \* wheat flour, corn meal."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the statement "Potato Pancake Mix" and the vignette of whole potatoes which appeared on the carton were misleading as applied to a product containing wheat flour and corn meal in addition to potatoes; and, Section 403 (d), the container of the article was so filled as to be misleading since the product occupied only about 65 percent of the volume of the carton.

**DISPOSITION:** October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the marshal was ordered to deliver the product to whatever individual or institution the court might direct.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CANDY

**11160. Adulteration of candy. U. S. v. Deran Confectionery Co., Inc. and William S. Cox and Ralph Rizzo. Pleas of guilty. Fines, \$300 against corporate defendant and \$100 against each individual defendant. (F. D. C. No. 17866. Sample Nos. 11480-H to 11484-H, incl.)**

**INFORMATION FILED:** July 18, 1946, District of Massachusetts, against the Deran Confectionery Co., Inc., Cambridge, Mass., and William S. Cox, vice president and general manager, and Ralph Rizzo, plant foreman.

**ALLEGED SHIPMENT:** On or about April 20 and 23, 1945, from the State of Massachusetts into the State of Rhode Island.

**LABEL, IN PART:** "Deran's Chocolates The Gold Package," or "Glen Valley Chocolates Caramel [or "Nut Nugat"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, whole insects, insect fragments, and cast skins; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 1, 1947. Pleas of guilty having been entered, the court imposed fines of \$300 against the corporate defendant and \$100 against each individual defendant.

**11161. Adulteration of candy. U. S. v. Holshouser Candy Co., Claude A. Holshouser, and Sylvester A. Welch. Pleas of nolo contendere. Fine, \$500. (F. D. C. No. 20156. Sample Nos. 236-H to 238-H, incl., 249-H, 270-H, 273-H to 275-H, incl., 1002-H.)**

**INFORMATION FILED:** July 22, 1946, Western District of North Carolina, against the Holshouser Candy Co., a partnership, Charlotte, N. C., and Claude A. Holshouser, a partner, and Sylvester A. Welch, plant manager.

**ALLEGED SHIPMENT:** Between approximate dates of April 3 and June 13, 1945, from the State of North Carolina into the States of Georgia, South Carolina, Pennsylvania, and Ohio.

**LABEL, IN PART:** "Holshouser's Pineapple [or "Koko-Nut," or "Strawberry"] Candy Bar," or "Holshouser's Peanut Bar Net Weight 1¼ Ozs."

**NATURE OF CHARGE:** Pineapple, Koko-Nut, and Strawberry Candy Bars. Adulteration, Section 402 (b) (1), valuable constituents, pineapple, coconut, and strawberry, had been omitted from the articles; Section 402 (d), the articles were confectionery and contained a nonnutritive substance, mineral oil; and, Koko-Nut Candy Bar, Section 402 (b) (4), corn flakes had been added to the product and mixed and packed with it so as to make it appear to be a coconut bar, which is better and of greater value than the article was.

Misbranding, Section 403 (a), the names "Pineapple," "Koko-Nut," and "Strawberry," and the designs of a pineapple, a coconut tree, and a strawberry, on the respective wrappers, were false and misleading.

Peanut Bar. Adulteration, Section 402 (b) (2), a candy bar containing peanuts and puffed cereal had been substituted for "Peanut Bar," which the article was represented to be. Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents since the statement "Net Weight 1¼ Ozs." was inaccurate, as the net weight of the packages was less than 1¼ ounces.

**DISPOSITION:** August 27, 1946. Pleas of nolo contendere having been entered on behalf of defendants, the court imposed a fine of \$500.

**11162. Adulteration of candy. U. S. v. J. & J. Candy Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 20177. Sample No. 291-H.)**

**INFORMATION FILED:** September 5, 1946, Western District of North Carolina, against the J. & J. Candy Co., a partnership, Charlotte, N. C.

**ALLEGED SHIPMENT:** On or about August 2, 1945, from the State of North Carolina into the State of Arkansas.

**LABEL, IN PART:** "Ko-Ko-Nut Cream Bar."

**NATURE OF CHARGE:** Adulteration, Section 402 (d), the article was confectionery and contained mineral oil, a nonnutritive substance.

**DISPOSITION:** On October 7, 1946, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$100 on the first count of the information and suspended judgment on the other 2 counts. On April 7, 1947, the remaining counts were dismissed.

**11163. Adulteration of candy. U. S. v. 3 Cases \* \* \* (and 6 other seizure actions). (F. D. C. Nos. 20310, 20311, 20551, 20653, 20709, 20710, 20776. Sample Nos. 171-H to 173-H, incl., 1277-F to 1280-H, incl., 1476-H, 1925-H, 1926-H, 41938-H.)**

**LIBELS FILED:** Between the dates of July 1 and September 6, 1946, Southern District of Florida, Eastern and Western Districts of South Carolina, Western District of Virginia, and Northern District of Georgia.

**ALLEGED SHIPMENT:** Between the approximate dates of May 20 and July 24, 1946, by United Food Brokers, from Atlanta, Ga., and Spartanburg, S. C.

**PRODUCT:** 1,451 pounds of candy (in various size containers) located, as follows: 3 cases at Bartow and 2 cases at Lake Wales, Fla.; 5 cases at Anderson, 6 cases at Columbia, and 3 cases at Sumter, S. C.; 7 cases at Roanoke, Va.; and 10 boxes at Atlanta, Ga.

**LABEL, IN PART:** "Tid Bits," "Cocktail Mints," "Small Mints," or "Lg. Mints."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** Between the dates of July 31, 1946, and January 8, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**11164. Adulteration of sugar-toasted peanuts. U. S. v. 100 Cartons \* \* \*. (F. D. C. No. 19641. Sample No. 9682-H.)**

**LIBEL FILED:** April 18, 1946, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 20, 1946, by the Sophie Mae Candy Corp., from Irvington, N. J.

**PRODUCT:** 100 cartons, each containing 36 ½-pound packages, of sugar-toasted peanuts at Pittsburgh, Pa.