

not be set aside unless clearly erroneous. We cannot say the finding that the container was not so made, formed or filled as to be misleading is clearly erroneous.

*"The decree of the District Court is affirmed."*

**11724. Adulteration of stick candy. U. S. v. Carmelita Candy Co., a partnership, and Robert T. Woolery. Pleas of guilty. Partnership fined \$250; individual fined \$5.00.** (F. D. C. No. 21574. Sample Nos. 56271-H, 56272-H.)

**INFORMATION FILED:** April 10, 1947, Western District of Oklahoma, against the Carmelita Candy Co., Oklahoma City, Okla., and Robert T. Woolery, plant manager.

**ALLEGED SHIPMENT:** On or about August 16, 1946, from the State of Oklahoma into the State of Missouri.

**LABEL, IN PART:** (Box) "Carmelita Candy Co. 36/5 Mint Tulsa-Oklahoma City, Okla."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 8, 1947. Pleas of guilty having been entered, the court imposed fines of \$250 against the partnership and \$5 against the individual.

**11725. Adulteration of candy. U. S. v. 32 Cartons \* \* \*. (F. D. C. No. 21786. Sample No. 72633-H.)**

**LIBEL FILED:** November 27, 1946, District of Utah.

**ALLEGED SHIPMENT:** On or about March 30 and April 6, 1946, by the Bennett & Crews Co., from Waco, Tex.

**PRODUCT:** 32 30-pound cartons of candy at Provo, Utah.

**LABEL, IN PART:** "Peanut Crunch."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and webbing.

**DISPOSITION:** February 14, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed by being utilized for animal feed.

#### CHOCOLATE AND CHOCOLATE PRODUCTS

**11726. Adulteration of chocolate coating. U. S. v. 10 Cartons \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 22363, 22467. Sample Nos. 53199-H, 53200-H, 53839-H, 53840-H.)

**LIBELS FILED:** January 7 and 31, 1947, Southern District of Ohio.

**ALLEGED SHIPMENT:** Between the approximate dates of March 1 and November 7, 1946, by the Hershey Chocolate Corp., from Hershey, Pa.

**PRODUCT:** Chocolate coating. 10 cartons, each containing 5 10-pound cakes, at Columbus, Ohio, and 351 bales, each containing 20 10-pound blocks, at Middletown, Ohio.

**LABEL, IN PART:** "Hershey's \* \* \* Chocolate Coating."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, insects, and insect parts.

**DISPOSITION:** January 24 and February 6, 1947. The Maple Dell Candy Co., Columbus, Ohio, claimant for the Columbus lot, and Sunshine Biscuits, Inc., Dayton, Ohio, claimant for the Middletown lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

**11727. Adulteration of chocolate malt flavored sirup. U. S. v. 24 Cases \* \* \*. (F. D. C. No. 21338. Sample No. 50050-H.)**

**LIBEL FILED:** October 24, 1946, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about January 22, 1946, by Plaza Products, from Brooklyn, N. Y.