

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.

**PRODUCT:** 24 cases, each containing 6 96-fluid-ounce cans, of chocolate malt flavored sirup at Jackson, Miss. The product was undergoing decomposition.

**LABEL, IN PART:** "Plaza Chocolate Malt Flavored Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11728. Adulteration of chocolate-flavored sirup. U. S. v. 19 Cases \* \* \*.**  
(F. D. C. No. 21337. Sample No. 50049-H.)

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

**ALLEGED SHIPMENT:** On or about January 29, 1946, by the Silver Hill Products Co., Inc., from Brooklyn, N. Y.

**PRODUCT:** 19 cases, each containing 6 96-fluid-ounce cans, of chocolate-flavored sirup at Jackson, Miss. The product was undergoing decomposition.

**LABEL, IN PART:** "Van Delft's Chocolate Flavored Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11729. Misbranding of hot chocolate mixture. U. S. v. 56 Boxes \* \* \*.**  
(F. D. C. No. 20851. Sample No. 65038-H.)

**LABEL FILED:** September 6, 1946, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 10, 1946, by the Harkins Chocolate Co., from Baltimore, Md.

**PRODUCT:** 56 boxes, each containing 100 envelopes, of hot chocolate mixture at Carlisle, Pa. Examination showed that the article contained no chocolate and that it was short-weight. Vanillin was not declared as artificial flavoring.

**LABEL, IN PART:** (Envelope) "Wt. 1½ oz. Bettar The Luxury Hot Chocolate \* \* \* Mfg. by The Bettar Ice Cream Co., Inc. Baltimore Maryland."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements, (envelopes) "The Luxury Hot Chocolate," (boxes) "The Luxury Hot Chocolate For Making Hot or Iced Chocolate," and (circular) "Instant Hot Chocolate," were false and misleading as applied to an article containing no chocolate; Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; and, Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact.

**DISPOSITION:** November 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 11730 to 11733; that was below the standard for milk fat content, Nos. 11734 to 11743; and that was short of the declared weight, No. 11743.

**11730. Adulteration of butter. U. S. v. Redwood Creamery, Inc. Plea of guilty. Fine, \$750.** (F. D. C. No. 21525. Sample No. 63789-H.)

**INFORMATION FILED:** January 21, 1947, District of Minnesota, against the Redwood Creamery, Inc., Redwood Falls, Minn.

**ALLEGED SHIPMENT:** On or about August 22, 1946, from the State of Minnesota into the State of New York.

**LABEL, IN PART:** "Redwood Creamery Redwood Falls, Minn. Weinman & Winn \* \* \* N. Y. C."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of manure fragments, rodent hair fragments, insects, insect heads, insect fragments, cotton fibers, vegetable fragments, metal and rust fragments, soot, and nondescript dirt;