

16210. Adulteration of puffed rice and puffed wheat. U. S. v. Checker Food Products Co. Plea of guilty. Fine, \$500. (F. D. C. No. 29151. Sample Nos. 52880-K, 52881-K.)

INFORMATION FILED: May 2, 1950, Eastern District of Missouri, against the Checker Food Products Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about October 19, 1949, from the State of Missouri into the State of Ohio.

LABEL, IN PART: "Checker Ready to Eat Wheat Puffs [or "Rice Puffs"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 26, 1950. A plea of guilty having been entered, the court imposed a fine of \$500.

CHOCOLATE AND RELATED PRODUCTS

CANDY

16211. Adulteration and misbranding of candy. U. S. v. Jacobs Candy Co., Richard M. Jacobs, and Frank H. Waggoner. Pleas of guilty. Joint fine of \$1,000. (F. D. C. No. 28756. Sample Nos. 1265-K, 1266-K, 1388-K, 1433-K, 1434-K, 2915-K, 51173-K, 63802-K.)

INFORMATION FILED: February 23, 1950, Middle District of Tennessee, against the Jacobs Candy Co., a partnership, Nashville, Tenn., and Richard M. Jacobs and Frank H. Waggoner, partners.

ALLEGED SHIPMENT: Between the approximate dates of March 7 and August 26, 1949, from the State of Tennessee into the States of South Carolina, Virginia, Kentucky, and North Carolina.

LABEL, IN PART: "Betty Bundle 2 oz. or over," "Mint The Big Five," "Cello Asst'd," or "Cello Mint."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, rodent hairs, insect fragments, and a rodent excreta fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), Betty Bundle candy. The label statement "2 oz. or over" was false and misleading since the packages contained less than 2 ounces; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 15, 1950. Pleas of guilty having been entered, the court imposed a joint fine of \$1,000.

16212. Adulteration of candy. U. S. v. Gilbert Candy Co. and George T. Gilbert and Orbon L. Gilbert. Pleas of guilty. Joint fine of \$100. (F. D. C. No. 28198. Sample Nos. 53455-K, 53456-K, 60696-K, 60697-K.)

INFORMATION FILED: December 19, 1949, Middle District of Tennessee, against the Gilbert Candy Co., a partnership, Nashville, Tenn., and George T. Gilbert, and Orbon L. Gilbert, partners.

ALLEGED SHIPMENT: On or about March 29 and 31 and April 1, 1949, from the State of Tennessee into the States of Alabama and Arkansas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, rodent excreta, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 15, 1950. Pleas of guilty having been entered, the court imposed a fine of \$100 jointly against the defendants.

CHOCOLATE

16213. Adulteration and misbranding of chocolate. U. S. v. 4 Drums, etc.
(F. D. C. No. 29056. Sample No. 57536-K.)

LIBEL FILED: April 20, 1950, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 23, 1950, by Blumenthal Brothers, from Philadelphia, Pa.

PRODUCT: 19 drums, each containing approximately 256 pounds, of chocolate at Brooklyn, N. Y.

LABEL, IN PART: "No. 1 Broken Choc."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 50 percent of cacao fat had been substituted for chocolate.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as chocolate, a food for which a definition and standard of identity has been prescribed by regulations, and the article failed to conform to such definition and standard since it contained less than 50 percent by weight of cacao fat, the minimum permitted by the standard.

DISPOSITION: May 29, 1950. Blumenthal Brothers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Federal Security Agency. The reprocessing operations consisted in melting the chocolate, after which a quantity of cocoa butter was added to, and mixed with, the chocolate so as to bring it into compliance with the law.

16214. Adulteration of cocoa nibs. U. S. v. 44 Bags * * *. (F. D. C. No. 27846.
Sample No. 56630-K.)

LIBEL FILED: September 16, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 29, 1949, by Bayview Warehouse, Inc., from Jersey City, N. J.

PRODUCT: 44 bags, each containing 160 pounds, of cocoa nibs at New York, N. Y.

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 wood splinters, stones, matted dirt, manure fragments, and other miscellaneous debris.

DISPOSITION: December 16, 1949. Philip Wincott, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond. It was provided that the fatty portion of the cocoa nibs be extracted and used in the manufacture of soap; that