

PRODUCT: 129 200-pound bales of chocolate coating at Minneapolis, Minn., in possession of the Security Warehouse Co.

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 rodent hairs and rodent-gnawed chocolate; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 8, 1950. The Klein Chocolate Co., Elizabethtown, Pa., 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 of cutting and scraping the unfit portion from the chocolate, with the result that approximately 60 pounds of unfit chocolate were destroyed.

16663. Adulteration of candy. U. S. v. Harry Wartnick. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 24811. Sample Nos. 71140-H, 71325-H.)

INFORMATION FILED: District of Hawaii, against Harry Wartnick, Honolulu, T. H. The date of filing is unknown.

ALLEGED SHIPMENT: On or about March 28, 1947, from the Territory of Hawaii into the State of California.

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

DISPOSITION: March 6, 1950. The case having been transferred for plea and final disposition to the United States District Court for the Southern District of California, and the defendant having entered a plea of nolo contendere, the court imposed a fine of \$250.

16664. Adulteration of candy. U. S. v. 20 Boxes * * *. (F. D. C. No. 29692. Sample No. 86145-K.)

LIBEL FILED: August 21, 1950, District of Arizona.

ALLEGED SHIPMENT: On or about May 2, 1950, from Fort Worth, Tex.

PRODUCT: 20 boxes, each containing 24 bars, of candy at Phoenix, Ariz.

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 live insects. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1950. Default decree of condemnation and destruction.

16665. Adulteration and misbranding of Coconut Crisp. U. S. v. 1,402 Cases * * *. (F. D. C. No. 29712. Sample No. 35470-K.)

LIBEL FILED: August 29, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about April 21 and 28, 1950, by Confections, Inc., from Chicago, Ill.

PRODUCT: 1,402 cases, each containing 48 2½-ounce packages, of Coconut Crisp at San Francisco, Calif. Examination showed that the product consisted essentially of caramel-coated popcorn containing a small amount of coconut and artificial coconut flavor.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial flavor had been added to the article and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the name "Coconut Crisp," together with a picture of a coconut and coconut palm trees appearing on the retail package and on the display frame and the statement "Crispy, crunchy coconut in an exotic flavor blend" appearing on the display frame accompanying the article, were false and misleading as applied to a product containing only a small amount of coconut and artificial coconut flavor; and, Section 403 (f), the ingredient statement appearing on the retail package label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, and designs) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: September 22, 1950. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 16666 and 16667; that was below the legal standard for milk fat content, Nos. 16667 to 16671; and that was short of the declared weight, No. 16672.

16666. Adulteration of butter. U. S. v. 23 Cubes, etc. (2,730 pounds, total).
(F. D. C. No. 29819. Sample No. 81455-K.)

LIBEL FILED: September 12, 1950, Eastern District of Pennsylvania; amended libel filed on the same date.

ALLEGED SHIPMENT: On or about September 1, 1950, by the Richmond Cooperative Creamery from Richmond, Minn.

PRODUCT: 42 65-pound cubes of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. G. Heyd and Co., Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance and was prepared from filthy cream.

DISPOSITION: September 21, 1950. C. G. Heyd & Co., 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 denaturing, under the supervision of the Federal Security Agency.

16667. Adulteration of butter. U. S. v. 32 Cases * * *. (F. D. C. No. 29759.
Sample No. 72868-K.)

LIBEL FILED: August 22, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 11, 1950, by Dearmin & Co., from Odon, Ind.

PRODUCT: 32 cases, each containing 63 pounds, of butter at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance since it was made from decomposed cream, as evidenced by a high mold mycelia count, and it contained filth in the form of insects, insect fragments, including the fragments of flies, and rodent