

**CHARGE:** 402(a) (2)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION:** 4-6-59. Consent—claimed by Alexander Farmers Grain & Oil Co. Segregated; 29,420 lbs. destroyed.

**25378. Wheat.** (F.D.C. No. 42951. S. No. 13-997 P.)

**QUANTITY:** 205 bushels at Hamlet, Ind.

**SHIPPED:** 3-12-59, from Hamlet, Ind., by Starke County Farm Bureau Cooperative, to Chicago, Ill., and from there returned to Hamlet, Ind.

**LIBELED:** 3-23-59, N. Dist. Ind.

**CHARGE:** 402(a) (3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 4-15-59. Consent—claimed by Starke County Farm Bureau Cooperative, and converted into animal feed.

**25379. Wheat.** (F.D.C. No. 42911. S. No. 49-388 P.)

**QUANTITY:** 108,000 lbs. at Seattle, Wash.

**SHIPPED:** 3-4-59, from Hingham, Mont., by Atwood Larson, ex Farmers Elevator Co.

**LIBELED:** 3-27-59, W. Dist. Wash.

**CHARGE:** 402(a) (3)—contained rodent pellets when shipped.

**DISPOSITION:** 4-17-59. Consent—claimed by Atwood Larson Co. and converted into animal feed.

**25380. Wheat.** (F.D.C. No. 42940. S. No. 47-272 P.)

**QUANTITY:** 500 bushels at Covington, Ind.

**SHIPPED:** 3-10-59, from Covington, Ind. to Chicago, Ill., and from there returned to Covington, by Covington Grain Co.

**LIBELED:** 4-7-59, S. Dist. Ind.

**CHARGE:** 402(a) (3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 4-24-59. Consent—claimed by Covington Grain Company, Inc., and converted into animal feed.

**25381. Farina.** (F.D.C. No. 42921. S. Nos. 35-095/6 P.)

**QUANTITY:** 97 100-lb. bags at Trenton, N.J.

**SHIPPED:** 2-25-59, from Buffalo, N.Y.

**RESULTS OF INVESTIGATION:** Examination showed that the article was shipped in a rodent-infested railroad car.

**LIBELED:** 4-3-59, Dist. N.J.

**CHARGE:** 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 4-21-59. Consent—claimed by Reading Co., Philadelphia, Pa., and converted into animal feed.

**25382. Breeding mix.** (F.D.C. No. 42914. S. No. 48-086 P.)

**QUANTITY:** 160 225-lb. drums at Boston, Mass.

**SHIPPED:** 6-1-56, from Chicago, Ill.

**LIBELED:** 3-30-59, Dist. Mass.

**CHARGE:** 402(a)(3)—contained insects, insect fragments, and insect webbing while held for sale.

**DISPOSITION:** 5-25-59. Default—destruction.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CHOCOLATE PRODUCTS

**25383. Cocoa beans.** (F.D.C. No. 42786. S. No. 34-944 P.)

**QUANTITY:** 345 150-lb. bags at Elizabethtown, Pa.

**SHIPPED:** 11-19-58 and 11-26-58, from New York, N.Y.

**LIBELED:** 1-14-59, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 1-27-59. Consent—claimed by Klein Chocolate Co., Elizabethtown, Pa. Segregated; 2,830 lbs. destroyed.

**25384. Instant chocolate-flavored mix.** (F.D.C. No. 42660. S. No. 40-248 P.)

**QUANTITY:** 620 cases, 12 1-lb. cans each, at San Francisco, Calif.

**SHIPPED:** 10-10-58 and 12-16-58, from Milwaukee, Wis., by Robert A. Johnston Co.

**LABEL IN PART:** (Can) "Johnston Instant Chocolate Flavored Mix."

**LIBELED:** 1-20-59, N. Dist. Calif.

**CHARGE:** 403(a)—when shipped, the label statements "Instant Chocolate," "Chocolate Soda," and "Chocolate Shake" were false and misleading as applied to an article containing no chocolate; and 403(f)—the words "Flavored Mix" as part of the common or usual name of the article required by 403(i)(1) to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with the words "Instant Chocolate") as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 3-20-59. Consent—claimed by Robert A. Johnston Co. and relabeled.

### CONFECTIONERY

**25385. Candy.** (F.D.C. No. 42449. S. Nos. 20-000 P, 21-046 P, 22-038/9 P.)

**INFORMATION FILED:** 3-19-59, W. Dist. Mo., against Dye Candy Co., a corporation, Kansas City, Mo.

**SHIPPED:** 10-16-58 and 10-22-58, from Missouri to Kansas and Oklahoma.

**LABEL IN PART:** "WOOLWORTH'S CLUSTERS PURE AND WHOLESOME NET WEIGHT 5 OZ."; "DYE CANDY CO. FRESH CANDY \* \* \* CHOC. TOR-TELS"; "DYE'S PEANUT BRITTLE NET WT. 16 OZ."; and "DYE'S PECO FLAKE NET WT. 12 OZ."

**CHARGE:** 402(a)(3)—contained insects, insect parts, and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 5-1-59. Corporation—fined \$400, plus costs.

**25386. Candy.** (F.D.C. No. 42783. S. Nos. 44-075/6 P.)

**QUANTITY:** 23 cases, 24 boxes each, at Allendale, S.C.