

had been shipped in interstate commerce on or about April 18, 1940, by Shawnee Milling Co. from Shawnee, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was unfit for food. The article was labeled in part: "Mother's Best Flour."

On November 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1710. Adulteration of self-rising flour. U. S. v. 26, 47, 33, and 32 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2501. Sample Nos. 28807-E to 28810-E, incl.)

On August 13, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against a total of 138 bags of flour at Warrenton, N. C., alleging that the article had been shipped in interstate commerce on or about June 11 and 29, 1940, by the Dan Valley Mills from Danville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Dan Valley * * * Patent Self-Rising Flour."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. It was destroyed in accordance with said order.

1711. Adulteration of rye graham flour. U. S. v. 49 Bags, 25 Bags, and 48 Bags of Rye Graham Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 3847, 4990, 4991. Sample Nos. 46470-E, 56579-E, 69531-E.)

This product contained rodent hairs and excreta as well as insect fragments.

On February 19 and June 27, 1941, the United States attorneys for the Eastern and Southern Districts of New York filed libels against 49 bags of flour at Brooklyn, N. Y., and 73 bags of flour at New York, N. Y., alleging that the article had been shipped within the period from on or about January 10 to on or about May 23, 1941, by Gross Bros., Inc., from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "98 Lbs."

On April 26 and July 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

BAKERY PRODUCTS

1712. Adulteration of baked goods. U. S. v. 19 and 19 Cartons of Cakes (and 3 other seizure actions against baked goods). Default decrees of condemnation and destruction. (F. D. C. Nos. 3540, 3553, 3632, 3705. Sample Nos. 46447-E, 46448-E, 46449-E, 50444-E, 50445-E, 50449-E, 50450-E, 50451-E, 50475-E.)

Samples of these products were found to contain rodent hairs and insect fragments.

On December 18 and 20, 1940, and January 7 and 27, 1941, the United States attorneys for the Eastern District of Virginia and the Eastern District of New York filed libels against 38 cartons of cakes at Culpeper, Va., 66 bundles each containing 6 cartons of oyster crackers, 22 bundles each containing 12 cartons of salted biscuits, 10 cartons of lemon snaps, and 59 boxes of X-Snaps at Orange, Va., and 31 cartons of cakes at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about August 24, 1940, to on or about January 4, 1941, by the G. L. Baking Co. from Frederick, Md.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On January 28 and April 16, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1713. Misbranding of cookies. U. S. v. 300 Packages of Cookies. Consent decree of condemnation. Product ordered sold or distributed to charitable institutions, or destroyed. (F. D. C. No. 1718. Sample No. 5103-E.)

The container holding this product had a false bottom which occupied about one-third the height of the box and which could not be seen until the cookies had been removed.

On March 26, 1940, the United States attorney for the Southern District of Ohio filed a libel against 300 packages of cookies at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February

22, 1940, by the Deer Park Baking Co., Inc., from Chicago, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Deer-Park Ready to Serve Ice Box Cookies."

On July 6, 1940, upon application of the Deer Park Baking Co., Inc., claimant, the case was ordered transferred from the Southern District of Ohio to the Eastern District of Illinois. On January 9, 1941, the case having come on to be heard before the court and the court having heard the evidence both oral and documentary and having found that the allegations of the libel were true, judgment of condemnation was entered and it was ordered that the product be sold but that if it was not sold and was edible, it be distributed to charitable institutions.

1714. Adulteration of graham crackers. U. S. v. 837 Bundles of Graham Crackers. Default decree of condemnation and destruction. (F. D. C. No. 4107. Sample No. 29295-E.)

This product contained rodent hairs and insect fragments.

On March 31, 1941, the United States attorney for the Southern District of Ohio filed a libel against 837 bundles of graham crackers at Cincinnati, Ohio, which had been consigned on or about March 8 and 10, 1941, alleging that the article had been shipped in interstate commerce by the National Biscuit Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Packages) "Excell Graham Crackers."

On April 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1715. Misbranding of pretzels. U. S. v. 216 Cases of Pretzels. Consent decree of condemnation and destruction. (F. D. C. No. 4199. Sample No. 47912-E.)

This product was represented to be butter pretzels but it contained little, if any, butter; and it was also short of the declared weight.

On April 4, 1941, the United States attorney for the Northern District of Illinois filed a libel against 216 cases of pretzels at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 29, 1941, by Becker Pretzel Bakeries, Inc., from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Becker's Toasted Butter Pretzels Net Contents 4 Oz."

It was alleged to be misbranded in that the statement "Butter Pretzels," appearing on the label, was false and misleading as applied to an article containing little, if any, butter. It was alleged to be misbranded further in that the statement "Net Contents 4 Oz.," appearing on the label, was false and misleading since it was incorrect; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On April 9, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

MACARONI PRODUCTS

1716. Misbranding of macaroni and spaghetti. U. S. v. 615 Cases of Macaroni and 423 Cases of Spaghetti. Consent decree entered ordering products released under bond to be brought into compliance with the law. (F. D. C. No. 2425. Sample Nos. 16105-E to 16108-E, incl.)

The packages containing these products were not filled to their capacity; they could have held from 3½ to 6 ounces more.

On July 24, 1940, the United States attorney for the Western District of Oklahoma filed a libel against 615 cases of macaroni and 423 cases of spaghetti at Oklahoma City, Okla., alleging that the articles had been shipped in interstate commerce on or about May 22, 1940, by the Kansas City Macaroni & Importing Co., Inc., from Kansas City, Mo.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Corona Brand Cut Macaroni [or "Spaghetti"] made by the Western Union Macaroni Mfg. Co., Denver, Colo.;" or "White Pony Brand Cut Macaroni [or "Spaghetti"] * * * Packed For [or "Dist. by"] Carroll-Brough & Robinson—Oklahoma City, Okla."

On July 26, 1940, Carroll-Brough & Robinson having appeared as claimant and the court having found that the products were misbranded and should be condemned, judgment was entered ordering that they be released under bond conditioned that they should not be disposed of in violation of the law. They were repacked in properly filled and labeled cartons.