

was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On January 26, 1944, Henry Bresky & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing and use as animal feed.

**5619. Adulteration of flour. U. S. v. 22 Bags of Flour. Decree of condemnation and destruction.** (F. D. C. No. 10712. Sample No. 52826-F.)

This product had been stored under insanitary conditions after shipment Rodent excreta and what appeared to be rodent urine stains were found on the bags, and one of the bags examined had been gnawed by rodents. Examination of samples taken from this lot showed that it contained rodent pellets, rodent hairs, larvae, cast skins, and insect fragments.

On or about September 10, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 22 bags of flour at Norfolk, Va., alleging that the article, which was in the possession of C. E. Herbert & Sons, Inc., had been shipped on or about February 24, 1943, from Red Wing, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5620. Adulteration of white flour, rye flour, whole wheat flour, and self-rising flour. U. S. v. 4 Sacks and 16 Sacks of Whole Wheat Flour (and 8 other seizure actions against flour). Decrees of condemnation entered in all cases. Portion of product ordered released under bond for disposition as animal feed; one lot ordered delivered to a public institution for use as animal feed; remaining lots ordered destroyed.** (F. D. C. Nos. 10354, 10442, 10460, 10660, 10661, 10872, 11002, 11179, 11196. Sample Nos. 21929-F, 21930-F, 28038-F to 28042-F, incl., 33977-F, 35530-F, 35705-F to 35707-F, incl., 49002-F, 50113-F, 56361-F, 56362-F.)

One lot of this product was stored under insanitary conditions and was contaminated with rodent excreta and urine. The remainder contained one or more of the following filthy substances: Larvae, cast skins, pupae, weevils, insects, insect fragments, and rodent hair fragments.

Between August 2 and December 3, 1943, the United States attorneys for the District of New Jersey, Western District of Pennsylvania, Northern District of Georgia, Western District of North Carolina, Southern District of Indiana, and the Northern District of Ohio, filed libels against the following quantities of flour: 10 100-pound sacks at Newton, N. J.; 11 98-pound sacks at Erie, Pa.; 80 100-pound sacks at Charlotte, N. C.; 544 6-pound, 876 12-pound, 240 24-pound, and 60 98-pound sacks at Atlanta, Ga.; 108 98-pound sacks at Indianapolis, Ind.; 52 49-pound sacks at Canfield, Ohio; and 73 100-pound sacks and 34 50-pound sacks at Ellwood City, Pa., alleging that the article had been shipped within the period from on or about December 29, 1942, to August 12, 1943, by General Mills, Inc., from Buffalo, N. Y., Johnson City, Tenn., Louisville, Ky., Kansas City, Mo., Minneapolis, Minn., and Chicago, Ill.; and charging that it was adulterated. The article was labeled in part: "Hi-Protein Type \* \* \* Gold Medal Whole Wheat Flour," "Wheat-A-Laxa Whole Wheat Flour," "Pure Rye Hofmuller Dark," "Fluffy White \* \* \* Bleached Enriched Self-Rising \* \* \* Royal Milling Company of General Mills, Inc.," "Sperry Drifted Snow Home Perfected Enriched," "Best Bet Bleached Self-Rising Flour \* \* \* Humboldt Flour Company (Trade Name) of General Mills, Inc.," "Red Star Perfect Process Vitamin and Iron Enriched \* \* \* Red Star Milling Company (Trade Name) of General Mills, Inc.," "Rogers Circus Brand \* \* \* Distributed by Colonial Stores Incorporated," "Red Band Company (Trade Name) of General Mills, Inc. \* \* \* Bleached Enriched Self-Rising Flour," "PurAsnow Vitamin and Iron Enriched," or "Gold Medal Iron Duke."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The lot at Canfield, Ohio, was alleged to be adulterated further in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 12 and November 6, 1943, and January 15, 1944, Colonial Stores, Inc., Charlotte, N. C., the South Side Baking Co., Inc., Indianapolis, Ind., and the Joe Seitz Wholesale Grocery Co., Atlanta, Ga., having appeared as claimants, respectively, for the flour at Charlotte, and Indianapolis, and 200 12-pound

sacks at Atlanta, Ga., judgments of condemnation were entered and it was ordered that the flour be released under bond for disposition as animal feed. On December 17, 1943, no claimant having appeared for the lot at Ellwood City, a decree of condemnation was entered and the product was ordered denatured for use as animal feed, which decree was amended on December 29, 1943, to provide for the delivery of the flour to a public institution. Between September 28, 1943, and February 3, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed, the decree with respect to the lot at Canfield providing that the product be reprocessed, if possible, for use as animal feed.

**5621. Adulteration of rye, whole wheat, and all white flour. U. S. v. 49 Bags of Flour (and 12 additional seizure actions against flour). Decrees of condemnation. Portions of product ordered released to be denatured and disposed of as animal feed, and a portion ordered released for segregation of that part which conformed with the law. The remainder was ordered destroyed.** (F. D. C. Nos. 10262, 10305, 10319, 10320, 10371, 10409, 10879, 10949, 11006, 11246, 11589, 11688, 11742. Sample Nos. 8990-F, 21927-F, 30051-F, 34276-F, 34543-F, 34549-F, 34551-F, 34553-F, 35207-F to 35210-F, incl., 35532-F, 35533-F, 49903-F, 50128-F, 50169-F, 56859-F to 56861-F, incl.)

Various portions of this product contained one or more of the following filthy substances: Weevils, larvae, insects, insect fragments, cast skins, webbing, insect excreta, pupae, rodent excreta fragments, rodent hairs, rodent urine, rodent excreta, and rodent pellets.

Between July 19, 1943, and February 15, 1944, the United States attorneys for the Southern District of Florida, District of Connecticut, Southern District of Texas, Western District of North Carolina, Northern District of Ohio, Western District of Pennsylvania, Northern District of West Virginia, and the Western District of Washington filed libels against the following quantities of flour: 88 bags at Jacksonville, Fla., 39 bags at Bridgeport, Conn., 105 bags at Miami, Fla., 60 bags at Ambridge, Pa., each containing 98 pounds; 84 bags at Houston, Tex., each containing 48 pounds; and 96 bags at Tampa, Fla., 59 bags at Charlotte, N. C., 81 bags at Youngstown, Ohio, 13 bags at Wheeling, W. Va., 28 bags at Erie, Pa., and 150 sacks at Seattle, Wash., each containing 100 pounds, alleging that the article had been shipped in interstate commerce from on or about February 1 to October 11, 1943, by the Pillsbury Flour Mills Co. from Enid, Okla., Buffalo, N. Y., Memphis, Tenn., Springfield, Ill., and Minneapolis, Minn.; and charging that it was adulterated. The article was labeled in part: (Bags) "Pillsbury's H and R Hotel Restaurant Flour," "Pillsbury's Pure White Rye Flour," "Pillsbury's Pure Dark Rye Flour," "Pillsbury's Coarse Whole Wheat WHEAT-ALL Flour," "Pillsbury's Best XXXX Enriched Phosphated Flour," "Pillsbury's Prairie Rose Cake and Pastry Flour," "Pillsbury's Fine Ground Whole Wheat Flour," "Pillsbury's Balancer High Gluten Flour," "Pillsbury's XXXX Patent Flour," "Pillsbury's Extra Fancy Sno Sheen Cake Flour," "Pillsbury's Sno-Tex Cake Flour," "Pillsbury's Best Bake-proved Pillsbury's Best XXXX All-purpose Enriched Flour," "Pillsbury Pure Medium Rye Flour," or "Pillsbury's H & R Special Sweet Doh Mix with Soya Flour," and (sacks) "Pillsbury's Pumpernickel Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On August 25 and 30 and December 23, 1943, and January 26, 1944, Bonacker Brothers, Inc., Tampa, Fla., Hathaway Bakeries, Inc., Youngstown, Ohio, Henry Bresky & Sons, Bridgeport, Conn., and Hagin-Peters Co., Jacksonville, Fla., having appeared as claimants, respectively, for the flour seized at Tampa, Youngstown, and Bridgeport, and for 39 bags of the flour seized at Jacksonville, judgments of condemnation were entered and the product covered by the seizures was ordered released under bond for denaturing and use as animal feed. On March 24, 1944, the Lucas Flour Co., claimant for the flour at Seattle, having admitted the allegations of the libel, judgment of condemnation was entered and the flour was ordered released under bond for segregation under the supervision of the Food and Drug Administration of the flour which conformed with the law from that which did not so conform. Between August 26, 1943, and February 25, 1944, no claimants having appeared for the remaining 8 lots, judgments of condemnation were entered and the 49 bags of flour at Jacksonville were ordered delivered to a public institution for use as animal feed; the flour at Miami, Ambridge, and Houston was ordered denatured and disposed of for animal feed; and the remainder of the flour was ordered destroyed.