shipments having been made by the Doughnut Corporation of America; and charging that they were adulterated in that they consisted in whole or in part of filthy substances by reason of the presence of various types of filth such as insects, larvae, insect fragments, and weevils. The articles were labeled in part: "Downyflake Fixt Ginger Muffin Mix [or "Biscuit Mix," or "Waffle Mix"]," "Downyflake Fixt Mix * * * Spice Muffin [or "Bran Muffin"]," "Ginger Bread Doughnut Mixture," or "Special Coffee Cake Mix."

On August 26 and September 21 and 30, 1943, and February 18, 1944, no claimant having appeared, judgments of condemnation were entered and the products seized at Jamestown, N. Y., and Columbia, S. C., were ordered destroyed, and those seized at Houston, Tex., were ordered converted into animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

5633. Adulteration of Economalt. U. S. v. 3 Bags of a Wheat Product. Decree of condemnation and destruction. (F. D. C. No. 10884. Sample No. 34272-F.)

On October 6, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 3 bags, each containing 100 pounds, of a wheat product at New Castle, Pa., alleging that the article had been shipped on or about October 30, 1942, by the Kansas Milling Company from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of insect excreta pellets, webbing, insects, and larvae. The article was labeled in part: (Bags) "Bakers Economalt Non-Caking Made From Wheat * * * Cereal Research Laboratories Wichita, Kansas."

On November 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5634. Adulteration of popcorn. U. S. v. 289 Bags of Pop Corn. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 12486. Sample No. 53667-F.)

On May 31, 1944, the United States attorney for the Southern District of California filed a libel against 289 bags of popcorn at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 20, 1944, by the J. A. McCarty Seed Co. from Evansville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta. The article was labeled in part: (Bags) "Mellos' Block Buster Brand Pop Corn Mellos Peanut Co. Los Angeles, Calif."

On June 19, 1944, William J. Daze, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

5635. Alleged adulteration of popcorn. U. S. v. 55 Cases of Popped Corn and 20 Cases, 25 Cases, and 25 Cases of Popcorn. Tried to the court. Decrees entered ordering dismissal of the case and the release of the product to the claimant. (F. D. C. No. 10682. Sample Nos. 42849-F to 42851-F, incl., 42853-F.)

Analysis showed that this product was popped popcorn with added artifically colored mineral oil and salt.

On September 10, 1943, the United States attorney for the District of Idaho filed a libel against 55 cases, each containing 24 packages, 20 cases, each containing 60 packages, and 50 cases, each containing 72 packages, of popcorn, at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about July 27 and 29 and August 18, 1943, from Spokane, Wash., by the Masterson Food Products Co. and Hol-Grain Products; and charging that it was adulterated. The adulteration charges are set out in the court's opinion. The article was labeled in part: (Packages) "Masterson Food Products Popped Corn [or "Popcorn"]. Ingredients Popcorn, Mineral Oil, Salt (If colored or flavored U. S. Certified coloring and flavoring used)."

On December 4, 1943, Mason, Ehrman & Company, Moscow, Idaho, having appeared as claimant, the case came on for trial before the court without a jury. After the taking of testimony had been concluded, the case was taken under advisement by the court, and on December 20, 1943, the court handed down the following memorandum opinion:

CLARK, *District Judge:*

"The libel of information in this case seeks destruction of four interstate shipments of popped corn charged to have been adulterated within the meaning of