

29906. Flour. (F.D.C. No. 50656. S. No. 6-183 A.)

QUANTITY: 93 100-lb. bags, at Charleston, W. Va., in possession of Elk Grocery Co.

SHIPPED: 4-6-64, from Louisville, Ky.

LIBELED: 10-7-64, S. Dist. W. Va.

CHARGE: 402(a)(3)—contained insect larvae, parts, webbing, and excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-30-64. Default—delivered to a Federal institution for use as animal feed.

29907. Flour. (F.D.C. No. 50575. S. Nos. 40-988/90 A.)

QUANTITY: 56 25-lb. bags, 29 50-lb. bags, and 85 bales, each containing 10 5-lb. bags, at Brenham, Tex., in possession of Brenham Wholesale Grocery Co., Inc.

SHIPPED: Between 3-3-64 and 8-6-64, from Salina, Kans., and Springfield, Ill.

LIBELED: 9-12-64, W. Dist. Tex.

CHARGE: 402(a)(3)—contained live insects and insect larvae; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-2-64. Default—destruction.

MACARONI AND NOODLE PRODUCTS**29908. Macaroni and cake mix.** (F.D.C. No. 50508. S. Nos. 52-346/7 A.)

QUANTITY: 25 cases of 48 7-oz. pkgs. of macaroni, and 10 cases of 12 1-lb. 4-oz. pkgs. of cake mix, at Detroit, Mich., in possession of Merchants Tobacco & Grocery Co.

SHIPPED: 11-7-63 and 12-19-63, from Minneapolis, Minn.

LIBELED: 8-28-64, E. Dist. Mich.

CHARGE: 402(a)(3)—contained live insects and insect fragments; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-14-64. Default—destruction.

29909. Macaroni and noodle products. (F.D.C. No. 46815. S. Nos. 55-920/22 T.)

QUANTITY: 103 cases, each containing 24 6-oz. boxes and 65 cases, each containing 12 12-oz. boxes of egg pastina; 18 cases, each containing 12 12-oz. boxes of egg spaghetti; and 169 cases, each containing 12 12-oz. boxes of egg noodles, at Brooklyn, N.Y.

SHIPPED: Between 12-13-61 and 12-29-61, from Lowell, Mass., by Prince Macaroni Manufacturing Co., Inc.

LABELS IN PART: (Boxes) "Prince Egg Pastina for Baby * * * Contains 5½% Egg Solids * * * is rich in protein * * * Enriched * * * Prince Macaroni Mfg. Co. * * * Lowell, Mass."; "Prince Egg Spaghetti No. 9 * * * Contains 20% Whole Eggs * * * Prince Macaroni Mfg. Co. * * * Lowell, Mass. * * * The pure golden color of Prince Egg Spaghetti comes from the extra eggs (20% Whole Eggs)"; and "Prince New Egg Noodles with oodles of eggs! * * * Enriched * * * Ingredients * * * Defatted Wheat Germ * * * Contains 5½% Egg Solids Prince Macaroni Mfg. Co. * * * Lowell, Mass."

LIBELED: 1-10-62, E. Dist. N.Y.

CHARGE: Egg pastina, 403(a)—when shipped, the label statement "rich in protein" was false and misleading since the article was not significantly different from enriched noodle products generally, that is, standardized food; 403(g)

(2)—the article purported to be an enriched noodle product, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear the name of the food specified in such definition and standard, namely, "enriched noodle products"; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear a statement, as required by regulations, of the proportion of the minimum daily requirement for infants for vitamin B₁, vitamin B₂, niacin or niacinamide, and iron supplied by such food when consumed in a specified quantity during a period of 1 day; and the specific plant name which was the source of the "special enriched flour" in the article.

Egg spaghetti, 403(a)—when shipped, the label statements "Prince Egg Spaghetti * * * Contains 20% Whole Eggs," and "The pure golden color of Prince Egg Spaghetti comes from the extra eggs (20% Whole Eggs), were false and misleading, since the article was not significantly different from egg spaghetti generally, that is, standardized food.

Egg noodles, 403(g) (2)—when shipped, the article purported to be enriched egg noodles, a food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear the name of the food specified in such definition and standard, namely, "enriched egg noodles."

DISPOSITION: Subsequent to 1-17-62, Prince Macaroni Co., Inc., Brooklyn, N.Y., claimed the articles. Thereafter, approximately 2,500 pounds of the articles were inadvertently denatured. On 4-18-63, a consent decree of condemnation was filed and the remaining quantities of the articles were destroyed since the articles had deteriorated after seizure.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

29910. Rice and Azuki beans. (F.D.C. No. 50618. S. Nos. 97-034/5 A.)

INFORMATION FILED: 11-19-64, N. Dist. Calif., against North American Food Distributing Co., a partnership, Sacramento, Calif.

ALLEGED VIOLATION: Between 10-2-62 and 1-30-64, while quantities of rice and Azuki beans were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-18-64. \$150 fine.

29911. Wheat. (F.D.C. No. 49856. S. No. 103-443 A.)

QUANTITY: 21,000 lbs. at Seattle, Wash.

SHIPPED: 3-20-64, from Charlo, Mont., by Consolidated Dairies, Inc.

LIBELED: 3-25-64, W. Dist. Wash.

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

DISPOSITION: 4-9-64. Consent—claimed by Atwood Larson Co., Portland, Oreg., and denatured.

29912. Wheat. (F.D.C. No. 50061. S. No. 71-848 A.)

QUANTITY: 92,000 lbs., at Minneapolis, Minn.