

by regulations and it failed to conform to such definition and standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the article; and (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(k), the article contained artificial coloring, and failed to bear labeling stating that fact.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

29101. Apple turnovers and fried apple pies. (F.D.C. No. 48879. S. Nos. 2-384 V, 17-132 V, 36-414 V.)

INFORMATION FILED: 11-21-63, E. Dist. Tenn., against Mercer Baking Co., Inc., Chattanooga, Tenn.

SHIPPED: Between 10-30-62 and 11-6-62, from Tennessee to Georgia and Mississippi.

LABEL IN PART: "Mercer's Apple turnover 10¢ Serve Hot or Cold Net Weight 3 OZ. MERCER'S INC CHATTANOOGA, TENN.," and "APPLE HARDIN'S FRIED PIE 10¢ DISTRIBUTED BY HARDIN'S BAKERIES Jackson·Meridian·Tupelo·Columbus, Miss. Net Wt. 3 Oz."

CHARGE: 402(a)(3)—one lot of apple turnovers contained insects and insect parts, one lot of apple turnovers and the fried pies contained insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-21-63. \$200 fine.

29102. Cheese corn. (F.D.C. No. 48108. S. No. 62-558 T.)

QUANTITY: 102 cases, each containing 12 bags, at Haverhill, Mass.

SHIPPED: 8-9-62 and 8-16-62, from Lincoln, R.I., by New England Popcorn Co.

LABEL IN PART: (Bag) "Rex * * * Cheese Corn * * * Ingredients * * * Net Wt. 3¼ Oz. * * * Rex Potato Chip Co. Haverhill, Massachusetts."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight. The average net weight found was 3.61 oz. The average short weight was found to be 0.14 oz., or 3.7 percent.

LIBELED: 9-17-62, Dist. Mass.

CHARGE: 403(e)(2)—when shipped, the label of the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 10-23-62. Default—delivered to a public institution for its use.

CORNMEAL**

29103. Cornmeal. (F.D.C. No. 47368. S. Nos. 880/81 T, 884/86 T.)

INFORMATION FILED: 8-7-62, M. Dist. Ga., against Eelbeck Milling Co., Inc., Columbus, Ga., and Harold D. Buck, president.

SHIPPED: 12-18-61, from Columbus, Ga., to Phenix City, Ala.

*See also No. 29109.

**See also Nos. 29110, 29135.

LABEL IN PART: "EELBECK Superior White-Sifted CORN MEAL Manufactured by EELBECK MILLING CO., (OF GEORGIA) Columbus, Georgia 2 LBS. NET WEIGHT."

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

PLEA: Nolo contendere.

DISPOSITION: 6-24-63. Corporation and individual—\$250 fine each.

29104. Cornmeal, dried Great Northern beans, and flour. (F.D.C. No. 47363. S. Nos. 45-460/1 T, 46-753/5 T.)

INFORMATION FILED: 12-14-62, amended information in March 1963, E. Dist. Mo., against Wetterau Grocer Co., a corporation, at Desloge, Mo., and Ferlyn H. Prather, vice president.

ALLEGED VIOLATIONS: Between 6-14-61 and 1-23-62, the defendants placed quantities of cornmeal, beans, and flour in a building which was accessible to rodents and held the food under insanitary conditions and did expose food to contamination by rodents which acts resulted in the food being adulterated.

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

PLEA: Guilty.

DISPOSITION: 7-12-63. Corporation—\$500 fine; Prather—\$5 fine. The defendants were also assessed court costs.

FLOUR*

29105. Flour. (F.D.C. No. 49222. S. Nos. 385/86 X.)

QUANTITY: 163 100-lb. bags, at Atlanta, Ga., in possession of Mixies, Inc.

SHIPPED: 2-1-63, from Chester, Ill.

LIBELED: 8-8-63, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, insect larvae, rodent excreta and rodent hairs; and 402(a)(4)—stored under insanitary conditions.

DISPOSITION: 9-23-63. Consent—claimed by Mixies, Inc. Segregated; 42 bags destroyed, remainder denatured.

29106. Flour. (F.D.C. No. 49396. S. No. 37-749 X.)

QUANTITY: 350 100-lb. bags at New Orleans, La., in possession of Biehl & Co.

SHIPPED: 5-24-63, from Atchison, Kans.

LIBELED: 9-27-63, E. Dist. La.

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

DISPOSITION: 11-4-63. Default—destruction.

29107. Flour. (F.D.C. No. 49086. S. No. 2-502 X.)

QUANTITY: 329 25-lb. bags, at Jacksonville, Fla., in possession of Winn-Dixie Stores, Inc.

SHIPPED: 4-5-63 and 4-18-63, from Chattanooga, Tenn.

LIBELED: 6-21-63, M. Dist. Fla.

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

DISPOSITION: 8-28-63. Default—destruction.

*See also Nos. 29104, 29135.