

RESULTS OF INVESTIGATION: The articles were contained in a railroad boxcar which never reached its consignee due to the fact that the boxcar fell off a barge into the New York river basin where the articles were submerged for a period of approximately 21 hours before being removed.

LIBELED: 11-2-62, Dist. N.J.

CHARGE: 402(a)(4)—held under insanitary conditions in polluted river water.

DISPOSITION: 1-8-63. Consent—claimed by Schenley Distillers, Inc., and converted into neutral spirits.

CEREALS AND CEREAL PRODUCTS*

BAKERY PRODUCTS

28706. Cookies. (F.D.C. No. 47529. S. No. 17-795 T.)

QUANTITY: 11 cases, each containing 18 boxes of 30 pkgs. each, at Louisville, Ky.

SHIPPED: 5-16-62, from Chamblee, Ga., by Frito-Lay, Inc.

LABEL IN PART: (Pkg.) "Lay's Delight Creme Filled * * * Go-B-Tweens * * * Frito-Lay, Inc., National Headquarters, Dallas, Texas.

RESULTS OF INVESTIGATION: Examination showed the article to be sandwich-type cookies consisting of 2 dark-colored cookies with creme filling.

The name and address of the manufacturer, and quantity of contents and ingredient statement were printed in a relatively small type in dark blue-colored ink on a side panel of the clear cellophane wraparound label and were inconspicuous against dark cookies in the background and overlapping of the wrapper.

LIBELED: 6-6-62, W. Dist. Ky.

CHARGE: 403(f)—when shipped, the information required to appear on the labeling under 403(e)(1) and (2), 403(i)(2), and 403(k), namely, name and address of the manufacturer and an accurate statement of the quantity of contents, the common or usual name of each ingredient and the declaration of artificial flavor and color were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 8-27-62. Default—delivered to a charitable institution.

CORNMEAL

28707. Cornmeal. (F.D.C. No. 47413. S. No. 7-428 T.)

QUANTITY: 300 100-lb. bags at Fall River, Mass., in possession of Frito-Lay, Inc.

SHIPPED: 12-17-61, from Paris, Ill.

LIBELED: 3-22-62, Dist. Mass.

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

DISPOSITION: 4-30-62. Default—ordered destroyed or donated to a public or charitable institution for use as animal feed.

*See also No. 28784.