

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 25901-26000**

*Adulteration*, Section 402(a)(2), the article, in one case, contained an added deleterious substance which was unsafe within the meaning of Section 406, and, in four cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted wholly or in part for the article; Section 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it was.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by the Act to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g)(1), the article purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such definition and standard; Section 403(h)(1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations, and it fell below such 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 food, and (2) it was fabricated from two or more ingredients and its label failed to bear the common name of each such ingredient; Section 403(k), the article contained artificial flavoring and its label failed to state that fact.

*Oleomargarine*, Section 407(b)(3), the label of the article, when sold or offered for sale, failed to bear (A) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label and (B) a full and accurate statement of all ingredients contained in such oleomargarine or margarine.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

25901. Flour. (F.D.C. No. 42725. S. No. 52-023 P.)

QUANTITY: 44 50-lb. bags at Muscatine, Iowa, in possession of Charles L. Mull & Sons.

SHIPPED: 10-2-58 and 11-25-58, from Peoria, Ill.

LIBELED: 3-4-59, S. Dist. Iowa.

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

**DISPOSITION:** 4-27-59. Default—delivered to a charitable institution for use as animal feed.

**25902. Flour and batter mix.** (F.D.C. No. 43061. S. Nos. 15-544/5 P.)

**INFORMATION FILED:** 5-29-59, S. Dist. Ohio, against Peerless Foods, Inc., Dayton, Ohio, and Ezra B. Bimm, president and treasurer of the corporation.

**ALLEGED VIOLATIONS:** Between 6-25-58 and 10-23-58, the defendants caused quantities of flour and batter mix to be held in a building that was accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a)(3)—the batter mix contained insects and insect parts; and 402(a)(4)—both articles were held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 6-26-59. Each defendant fined \$500.

**25903. Flour.** (F.D.C. No. 43390. S. No. 79-985 P.)

**QUANTITY:** 662 100-lb. bags at Detroit, Mich.

**SHIPPED:** 5-22-59, from Grand Forks, N. Dak.

**RESULTS OF INVESTIGATION:** Investigation showed that the article was contaminated by a deleterious chemical, one or more of the isomers of benzenehexachloride, while en route in a railroad car.

**LIBELED:** 7-10-59, E. Dist. Mich.

**CHARGE:** 402(a)(2)—while in, and while held for sale after shipment in interstate commerce, the article contained an added deleterious chemical which is unsafe within the meaning of 406.

**DISPOSITION:** 7-29-59. Consent—claimed by Brown Flour Co., Detroit, Mich., and denatured for use as a non-food substance.

**25904. Flour.** (F.D.C. No. 43271. S. No. 55-272 P.)

**QUANTITY:** 119 100-lb. bags at Philadelphia, Pa., in possession of Semple Co.

**SHIPPED:** 8-8-58, from Decatur, Ill.

**LIBELED:** 6-17-59, E. Dist. Pa.

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

**DISPOSITION:** 7-29-59. Default—destruction.

**25905. Flour.** (F.D.C. No. 43270. S. No. 5-488 P.)

**QUANTITY:** 27 25-lb. bags at Spencer, W. Va., in possession of Kincaid Wholesale Co.

**SHIPPED:** 7-7-58, from Cleveland, Ohio.

**LIBELED:** 6-22-59, S. Dist. W. Va.

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

**DISPOSITION:** 7-30-59. Default—delivered to a public institution for use as animal feed.

**25906. Flour.** (F.D.C. No. 43295. S. No. 49-964 P.)

**QUANTITY:** 386 25-lb. bags at East Bernstadt, Ky., in possession of Laurel Grocery Co.