26134. Raisin bran muffin mix, protein flakes (cereal), whole wheat flakes (cereal), and corn muffin mix. (F.D.C. No. 42419. S. Nos. 25–265 P, 25–269 P, 25–275 P, 27–505 P.)

INFORMATION FILED: 8–17–59, N. Dist. Iowa, against Horace E. Brickner, t/a S. E. Brickner & Son, Decorah, Iowa.

ALLEGED VIOLATION: Between 9–9–58 and 10–9–58, the defendant caused quantities of the above named products, while held for sale after shipment in interstate commerce, to be held in a building that was accessible to rodents, insects, and birds, and to be exposed to contamination by rodents, insects, and birds, which acts resulted in such products being adulterated.

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

PLEA: Guilty.

DISPOSITION: 8–17–59. $600 fine.

26135. Bread mix, unpopped popcorn, and dried navy beans. (F.D.C. No. 43105. S. Nos. 17–499 P, 17–527/8 P.)

INFORMATION FILED: 8–3–59, N. Dist. Ohio, against David Kirk Sons Co., a corporation, Findlay, Ohio, and Robert W. Kirk, president.

ALLEGED VIOLATION: Between 10–25–56 and 1–16–59, the defendants caused quantities of the above-mentioned products, while held for sale after shipment in interstate commerce, to be held in a building accessible to rodents and insects, and to be exposed to contamination by rodents and insects, which acts resulted in the products being adulterated.

CHARGE: 402(a)(3)—the bread mix and the unpopped popcorn contained live and dead insects; and 402(a)(4)—all products were held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 8–14–59. Fine of $1,500 against the corporation; $300 against the individual.

DAIRY PRODUCTS

BUTTER

26136. Butter. (F.D.C. No. 40833. S. Nos. 37–142 P, 37–144/6 P.)

QUANTITY: 90 65-lb. cubes at St. Louis, Mo.

SHIPPED: A number of cans of cream were shipped between 7–25–58 and 7–27–58, from Arkansas, Illinois, Indiana, Kentucky, Mississippi, and Tennessee.

RESULTS OF INVESTIGATION: Examination showed that the cream was used in the manufacture of the butter under seizure.

LIBELED: 8–14–58, E. Dist. Mo.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 8–26–58. Consent—claimed by Paul A. Schulze Co., St. Louis, Mo., and converted into butter oil.

MILK

26137. Nonfat dry milk. (F.D.C. No. 44150. S. No. 56–754 P.)

QUANTITY: 75 ctns., 24 6½-oz. boxes each, at Carrollton, Ga.

SHIPPED: 10–2–59, from Birmingham, Ala.