LIBELED: 11–5–59, Dist. Mass.

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

DISPOSITION: 1–19–60. Consent—claimed by Samuel Kurr, t/a Samuel Kurr & Co. Segregated; the lot of flour was denatured for industrial use only, and 2,320 lbs. of rice were destroyed.

26211. Flour. (F.D.C. No. 43376. S. Nos. 58–850/1 P, 58–858 P.)

QUANTITY: 3 100-lb. bags and 207 25-lb. bags at El Paso, Tex., in possession of Heid Bros. Corp.

SHIPPED: Between 5–29–59 and 7–23–59, from Denver, Colo.

LIBELED: 8–31–59, W. Dist. Tex. Amended libel on or about 10–20–59.

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

DISPOSITION: 1–20–60. Default—delivered to a public institution for use as animal feed.

26212. Flour. (F.D.C. No. 43957. S. Nos. 73–015/6 P.)

QUANTITY: 296 100-lb. bags at Hillside, N.J., in possession of Mittleman Bros., Inc.

SHIPPED: 6–23–59 and 8–28–59, from St. Louis, Mo. and Buffalo, N.Y.

LIBELED: 12–10–59, Dist. N.J.

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

DISPOSITION: 1–25–60. Default—destruction.

26213. Enriched flour. (F.D.C. No. 44165. S. No. 5–092 P.)

QUANTITY: 50 bales, 10 5-lb. bags each, at Charleston, W. Va.

SHIPPED: 6–23–59, from Yukon, Okla., by Yukon Mill & Grain Co.

LABEL IN PART: (Bag) "Yukon's Best Flour Enriched * * * Yukon Mill & Grain Co., Yukon, Okla."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 83 percent of the amount of thiamine, approximately 76 percent of the amount of riboflavin, approximately 86 percent of the amount of niacin, and approximately 87 percent of the amount of iron required by the definition and standard of identity for enriched flour.

LIBELED: On or about 1–5–60, S. Dist. W. Va.

CHARGE: 402(b)(1)—when shipped, the valuable constitutents, thiamine, riboflavin, niacin, and iron, had been in part omitted or abstracted from the article; 403(f)—the mandatory information required to appear on the labeling under 403(j) was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(g)(1)—the article failed to conform to the definition and standard of identity for enriched flour since it contained less than the amounts of thiamine, riboflavin, niacin, and iron as stated on its label.

DISPOSITION: 2–1–60. Default—delivered to charitable institutions.