SHIPPED: 6–17–59, from Pittsburgh, Pa., by Flavoripe Co., Inc.

LABEL IN PART: (Btl.) "Made with pure fruit juices Makes ½ gallon Drink Nippy Delicious Fruit Drink * * * Manufactured by the Flavoripe Co., Inc., Pittsburgh 1, Pa."

LIBELED: On or about 8–4–59, N. Dist. Tex.

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

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

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

26804. Frozen lemon cream pies and frozen strawberry cream pies. (F.D.C. No. 43934. S. Nos. 77–698 P, 77–700 P.)

QUANTITY: 120 cases, each containing 6 individually ctnd. frozen lemon cream pies, and 88 cases, each containing 6 individually ctnd. frozen strawberry cream pies, at Detroit, Mich.

SHIPPED: 9–30–59, from Pottstown, Pa., by Mrs. Smith's Pie Co.

LABEL IN PART: (Ctn.) "Net Weight 1 Pound * * * Top Frost Frozen Lemon Cream Pie * * * Ingredients: Lemon juice, sugar, eggs, vegetable shortening, whipped cream, milk solids, cereal starch, salt, water, graham crackers, pectin, certified food coloring, and flavoring * * * Distributed by T & F Marketing Co., Inc., Chicago, Illinois" and "Net Weight 1 Pound * * * Top Frost Frozen Strawberry Cream Pie * * * Ingredients: Fresh Frozen Strawberries, sugar, eggs, vegetable shortening, whipped cream, milk solids, cereal starch, salt, water, graham crackers, pectin, certified food coloring, and flavoring * * * Distributed by T & F Marketing Co., Inc., Chicago, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the whipped toppings of both lots contained little or no butterfat, a constituent of cream, and that the fat component of the toppings consisted principally or entirely of a fat other than butterfat.

LIBELED: About 12–8–59, E. Dist. Mich.

CHARGE: 402(b)(1)—when shipped, whipped cream, a valuable constituent, had been in whole or in part omitted from the articles; and 403(a)—the names of the articles, namely, "Strawberry or Lemon Cream Pie," together with the statement on the labels "Ingredients: * * * whipped cream," and the vignettes of the articles on the labels were false and misleading as applied to articles that contained little or no whipped cream; and 403(i)(2)—the articles were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient since the labels designated "cereal starch" and "milk solids" as two of the ingredients, and, in addition, the articles contained lard and their labels failed to bear the name of that ingredient.

DISPOSITION: 1–11–60. Default—delivered to a charitable institution.

FLOUR

26805. Flour. (F.D.C. No. 44728. S. Nos. 7–040 R, 7–542 R.)

QUANTITY: 143 100-lb. bags at Worcester, Mass., in possession of Massachusetts Bread Co., Inc.

SHIPPED: 5–10–60, from Lockport, N.Y.

LIBELED: 7-18-60, Dist. Mass.

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

DISPOSITION: 8-22-60. Consent—claimed by Massachusetts Bread Co., Inc., and converted into animal feed.

26806. Flour. (F.D.C. No. 44775. S. No. 49-306 R.)

QUANTITY: 46 100-lb. bags at El Paso, Tex.

SHIPPED: 1-16-60, from Denver, Colo.

LIBELED: 8-16-60, W. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 10-5-60. Default—delivered to a Federal institution for use as animal feed.

26807. Flour. (F.D.C. No. 44794. S. Nos. 31-696/700 R.)

QUANTITY: 204 25-lb. bags and 217 10-lb. bags at Mobile, Ala., in possession of Campbell Grocery Co.

SHIPPED: Between 6-26-60 and 8-15-60, from Chattanooga, Tenn., Louisville, Ky., and Philadelphia, Miss.

LIBELED: 9-12-60, S. Dist. Ala.

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

DISPOSITION: 10-18-60. Default—denatured for use as animal feed.

26808. Flour. (F.D.C. No. 44787. S. Nos. 30-394/5 R.)

QUANTITY: 226 25-lb. bags at Mobile, Ala., in possession of Campbell Grocery Co.

SHIPPED: Between 5-12-50 and 7-29-60, from Fort Worth, Tex., and Trenton, Ill.

LIBELED: 9-1-60, S. Dist. Ala.

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

DISPOSITION: 10-18-60. Default—denatured for use as animal feed.

26809. Flour and unpopped popcorn. (F.D.C. No. 44717. S. Nos. 2-202/3 R, 2-205/6 R.)

QUANTITY: 26 50-lb. bags of flour, and 39 cases, 24 1-lb. bags each, and 9 cases, 12 32-oz. bags each, of popcorn, at Gastonia, N.C., in possession of J. F. Bess & Co.

SHIPPED: (Flour) 5-9-60 and 5-19-60, from Claflin, Kans., and (popcorn) 10-14-59 and 2-23-60, from Nashville, Tenn.

LIBELED: 7-14-60, W. Dist. N.C.

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

DISPOSITION: 10-18-60. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

26810. Rice. (F.D.C. No. 44781. S. No. 40-302 R.)

QUANTITY: 61 25-lb. bags at St. Louis, Mo.

*See also No. 26809.