

ALLEGED SHIPMENT: On or about April 18 and 23, 1947, from the State of Oklahoma into the State of Arkansas.

LABEL, IN PART: "Hugo Pride Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 8, 1948. A plea of nolo contendere having been entered, a fine of \$300 was imposed.

13230. Adulteration of corn meal. U. S. v. 216 Bags, etc. (F. D. C. No. 25007. Sample No. 969-K.)

LABEL FILED: July 7, 1948, Middle District of Alabama.

ALLEGED SHIPMENT: On or about June 8, 1948, by Happyvale Flour Mills, from Fort Valley, Ga.

PRODUCT: 216 10-pound bags, 58 25-pound bags, and 17 5-pound bags of corn meal at Hurtsboro, Ala.

LABEL, IN PART: "Water Ground Type Happyvale White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, and insect parts.

DISPOSITION: August 3, 1948. Default decree of condemnation. The product was ordered delivered to a State institution, for use as animal feed.

13231. Adulteration of corn meal and hominy grits. U. S. v. Edward R. Zimmerman (Zimmerman & Co.). Plea of guilty. Fine, \$125. (F. D. C. No. 24101. Sample Nos. 3624-K, 3625-K.)

INFORMATION FILED: February 26, 1948, Eastern District of North Carolina, against Edward R. Zimmerman, trading as Zimmerman & Co., Elizabeth City, N. C.

ALLEGED SHIPMENT: On or about October 16, 1947, from the State of North Carolina into the State of Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect larvae, larval heads, cast skins and head capsules, insect parts and fragments, rodent excreta pellet fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 22, 1948. A plea of guilty having been entered on behalf of the defendant, the court imposed fines of \$75 on count 1 and \$50 on count 2.

FLOUR

Nos. 13232 to 13237 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

13232. Action to enjoin and restrain the interstate shipment of doughnut flour, prepared mixes, liquid extracts, and other food products. U. S. v. H. M. Wagner & Co., Inc., The Wagner Products Co., H. Milton Wagner, and A. Clarence Purcell. Consent decree granting injunction. (Inj. No. 177.)

COMPLAINT FILED: September 26, 1947, District of Maryland, against H. M. Wagner & Co., Inc., the Wagner Products Co., a corporation, Baltimore, Md., H. Milton Wagner, president of both corporations, and A. Clarence Purcell, vice-president, acting secretary, and treasurer of the Wagner Products Co.

NATURE OF CHARGE: That defendant H. M. Wagner & Co., Inc., was engaged in the business of selling doughnut flour, prepared mixes, liquid extracts, and other food products, for use in the manufacture of baked goods; and that defendant the Wagner Products Co. was engaged in the business of manufacturing these food products. The complaint alleged that the defendants had been and were still introducing and delivering for introduction into interstate commerce at Baltimore, Md., doughnut flour, prepared mixes, liquid extracts, and other food products which were adulterated in the following respects:

Section 402 (a) (3), they consisted in part of filthy substances, such as insects, larvae, larval cast skins, insect fragments, pupae, larval head capsules, mites, insect eggs, feather fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been and were being prepared under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that the insanitary conditions under which the foods had been prepared consisted of the presence of insects, rodents, insect and rodent excreta, and other filthy substances, in and around the plant where the foods were prepared and stored, in and around the raw materials and substances from which the foods were prepared, and in and around the machinery and equipment used in the manufacture of the foods, thereby subjecting the finished foods and the raw materials from which they are made to contamination by insects, rodents, insect and rodent excreta, and other filthy substances; and that although the defendants had been advised of the insanitary conditions under which the foods were being manufactured, and of the contamination to which the foods and raw materials were subjected, they continued to introduce and deliver the foods for shipment in interstate commerce.

PRAYER OF COMPLAINT: That the defendants be perpetually enjoined from commission of the acts complained of; and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: October 28, 1947. The defendants having filed an answer to the complaint, but having consented to the entry of a decree, the court issued an order enjoining the defendants from introducing or delivering for introduction into interstate commerce foods and food products, specifically doughnut flour, prepared mixes, and liquid extracts, which they have manufactured and prepared for shipment, or would in the future manufacture and prepare for shipment.

13233. Adulteration of flour and corn meal. U. S. v. Henry Stanley White (Cadiz Milling Co.). Plea of guilty. Fine, \$1,000 on each of 2 counts, plus costs; fine on count 2 suspended. Defendant placed on probation for 2 years. (F. D. C. No. 24530. Sample Nos. 83173-H, 83434-H.)

INFORMATION FILED: April 24, 1948, Western District of Kentucky, against Henry Stanley White, trading as the Cadiz Milling Co., Cadiz, Ky.

ALLEGED SHIPMENT: On or about July 22 and August 5, 1947, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Admiration Flour," or "Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent excreta fragments, rodent hair fragments, insect fragments, and larvae; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 14, 1948. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,000 on each of 2 counts, plus costs. The fine on count 2 was suspended, and the defendant was placed on probation for 2 years.

13234. Adulteration of flour. U. S. v. 600 Bags * * *. (F. D. C. No. 24951. Sample No. 19905-K.)

LIBEL FILED: June 14, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 13, 1948, by Tennant and Hoyt, Lake City, Minn.

PRODUCT: 600 100-pound bags of flour at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 15, 1948. Tennant and Hoyt, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.