

**15668. Adulteration of popcorn. U. S. v. 297 Bags \* \* \*. (F. D. C. No. 27735. Sample Nos. 43226-K, 43227-K.)**

**LIBEL FILED:** September 6, 1949, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about August 18 and September 10, 1948, and June 14, 1949, from Kimmell, Ind.

**PRODUCT:** 297 100-pound bags of popcorn at Detroit, Mich. (A total of 382 bags were actually seized.)

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 2, 1949. Manley, Inc., Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Of the 382 bags seized, 118 bags were found unfit and were denatured for use as animal feed. The segregation operations were completed on or about January 27, 1950.

**15669. Adulteration of rice. U. S. v. 400 Bags \* \* \*. (F. D. C. No. 27423. Sample No. 33897-K.)**

**LIBEL FILED:** June 16, 1949, Northern District of California.

**ALLEGED SHIPMENT:** On or about October 16, 1948, from Crowley, La.

**PRODUCT:** 400 50-pound bags of rice at San Francisco, Calif., in possession of the Gibraltar Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 22, 1949. J. S. Chu, trading as the Pacific Far East Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and conversion of the unfit portion into stock feed, under the supervision of the Federal Security Agency. A total of 145 bags was segregated as fit for human consumption. The remainder, consisting of 255 bags was denatured and sold for use as animal feed.

**15670. Adulteration of wheat. U. S. v. 1,219,940 Pounds \* \* \*. (F. D. C. No. 24030. Sample Nos. 20842-K to 20851-K, incl., 21462-K.)**

**LIBEL FILED:** On or about January 5, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** Between November 26 and December 1, 1947, by Felix Meyer Co., Inc., from Houston, Tex.

**PRODUCT:** 1,219,940 pounds of wheat at Kansas City, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed wheat.

**DISPOSITION:** March 28, 1949. The Mid-Continent Grain Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented

to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Drying and sterilization operations were completed on December 16, 1949. A total of 889,310 pounds was recovered and was released for use as cattle feed.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 15671, 15672, and 15674; that was below the legal standard for milk fat content, No. 15674; and that was short of the declared weight, No. 15673.

**15671. Adulteration of butter. U. S. v. Edgerton Cooperative Creamery and Jerry Notting. Pleas of guilty. Each defendant fined \$800; individual defendant placed on probation for 2 years. (F. D. C. No. 26762. Sample No. 8995-K.)**

**INFORMATION FILED:** July 16, 1949, District of Minnesota, against Edgerton Cooperative Creamery, a corporation, Edgerton, Minn., and Jerry Notting, manager.

**ALLEGED SHIPMENT:** On or about October 15, 1948, from the State of Minnesota into the State of New York.

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

**DISPOSITION:** November 3, 1949. Pleas of guilty were entered. The court fined the corporation \$800. The court sentenced the individual defendant to a year in jail, but the sentence was suspended on condition that he pay a fine of \$800; in addition, this defendant was placed on probation for 2 years.

**15672. Adulteration of butter. U. S. v. Eagle Bend Cooperative Creamery Assn. and George A. Johnson. Pleas of guilty. Fine of \$250 against the association and a fine of \$100 against the individual. (F. D. C. No. 26702. Sample No. 13275-K.)**

**INFORMATION FILED:** September 22, 1949, District of Minnesota, against the Eagle Bend Cooperative Creamery Assn., a corporation, Eagle Bend, Minn., and George A. Johnson, manager of the corporation.

**ALLEGED VIOLATION:** The giving of a false guaranty. On or about September 16, 1947, the defendants delivered to a firm in St. Paul, Minn., a guaranty to the effect that all food products sold or delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law.

On or about October 28, 1948, the defendants delivered under the guaranty a quantity of butter which was adulterated. The holder of the guaranty was engaged in the business of shipping butter in interstate commerce.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, mites, a cat hair fragment, cow hair fragments, a feather fragment, and manure;