

NATURE OF CHARGE: That the defendants had been, and were at the time, introducing and delivering for introduction into interstate commerce, at Covington, Va., flour and other cereal products which were adulterated in the following respects: Section 402 (a) (3), the products consisted in whole or in part of filthy substances, such as rodent excreta, rodent excreta pellet fragments, rodent hair fragments, adult insects, insect larvae, and insect fragments; and, Section 402 (a) (4), the products had been, and were still being, prepared and held under insanitary conditions whereby they may have become contaminated with filth. The complaint alleged further that the insanitary conditions in the defendants' plant consisted in, and resulted from, the presence of rodents, rodent excreta pellets and rodent excreta pellet fragments, rodent hairs, live insects and insect fragments, insect larvae, insect webbing, and nondescript dirt in and around machinery, equipment, and raw materials used for preparing and holding the food products, and also from inadequate equipment and general carelessness on the part of the defendants; that the defendants were aware that their activities violated the act; that the Alleghany Milling Co., Inc., had been convicted twice; that John E. Watts and Joseph E. Moricle had each been convicted once of violations of the act; that products shipped by the defendants' company had been seized and condemned; and that the defendants would continue to ship flour and cereal products in interstate commerce unless enjoined from so doing.

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: May 3, 1949. The matter was heard before the court, and a preliminary injunction was entered enjoining the defendants from shipping in interstate commerce any flour or other cereal products which were adulterated. The preliminary injunction was extended at various times; and on July 13, 1950, upon motion of the defendants, the preliminary injunction was dissolved.

16506. Adulteration of corn flour. U. S. v. 8 Bags * * *. (F. D. C. No. 29230. Sample No. 55800-K.)

LIBEL FILED: On or about May 25, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 5, 1950, from Milwaukee, Wis.

PRODUCT: 8 100-pound bags of corn flour at Kansas City, Mo., in possession of Midland Laboratories.

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 excreta and insects; 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: June 23, 1950. Default decree of destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

16507. Adulteration of rice. U. S. v. 145 Bags * * *. (F. D. C. No. 29287. Sample No. 71524-K.)

LIBEL FILED: June 23, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about December 15, 1949, from Houston, Tex.