

LABEL, IN PART: (Tube) "Independent Cracker Meal"; (package) "Chocolate Grahams Contents 17 Cookies"; (carton) "Bonnie Marie" and "Shur Good Brand Honey Flavored Grahams Net Weight One Pound."

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

DISPOSITION: April 24, 1950. Default decree of condemnation. The products were delivered to a public institution, for use as animal feed.

CORN MEAL

16706. Adulteration of corn meal. U. S. v. Davis Milling Co., Inc. Plea of not guilty. Tried to the jury. Verdict of guilty. Motions denied to set aside verdict and for acquittal. Imposition of sentence suspended for 1 year. (F. D. C. No. 23319. Sample No. 65693-H.)

INFORMATION FILED: November 3, 1947, Eastern District of Virginia, against Davis Milling Co., Inc., Norfolk, Va.

ALLEGED SHIPMENT: On or about April 28, 1947, from the State of Virginia into the State of Pennsylvania.

LABEL, IN PART: "2 Lbs. Net * * * Mayo Old Process Meal * * * Davis Milling Co., Inc."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of adult insects, insect larvae, adult insect head, larval heads, larval cast skins, larval head capsules, insects fragments, mites, rodent excreta pellet fragments, and rodent hair fragments.

DISPOSITION: A plea of not guilty, having been entered, the matter came on for trial before the jury on December 1, 1949, and a verdict of guilty was returned. Counsel for the defendant filed motions to set aside the verdict and for judgment of acquittal, which motions were denied. On May 18, 1950, the court suspended the imposition of sentence for 1 year, conditioned that the defendant comply with the law during that time.

FLOUR

16707. Adulteration of flour. U. S. v. 26 Bags * * *. (F. D. C. No. 29673. Sample No. 79753-K.)

LABEL FILED: August 3, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 11, 1950, from Great Falls, Mont.

PRODUCT: 26 100-pound bags of flour in possession of H. Rohlstein & Co., Inc., Charlestown, Mass.

LABEL, IN PART: (Bag) "100 Lbs. Net * * * Rex Diamond Montana High Gluten Unenriched Bakers Flour."

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 urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 22, 1950. H. Róhtstein & Co., Inc., 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 of the fit from the unfit portion and denaturing of the latter for use as animal feed or foundry use, under the supervision of the Food and Drug Administration. 13 bags were found to be contaminated and were denatured.

16708. Adulteration of cake flour. U. S. v. 77 Bags * * *. (F. D. C. No. 28978. Sample No. 48789-K.)

LIBEL FILED: April 18, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 25, 1949, from Buffalo, N. Y.

PRODUCT: 77 100-pound bags of cake flour at Scranton, Pa.

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 urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 9, 1950. William G. Lukens, Scranton, Pa., 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 conversion into inedible paste, under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

16709. Adulteration and misbranding of noodles. U. S. v. Harry Tom (Quong Chow Noodle Co.). Plea of guilty. Fine of \$150, plus costs. (F. D. C. No. 29612. Sample Nos. 40474-K to 40476-K, incl.)

INFORMATION FILED: September 26, 1950, District of Maryland, against Harry Tom, trading as the Quong Chow Noodle Co., Baltimore, Md.

ALLEGED SHIPMENT: On or about February 27 and March 6, 1950, from the State of Maryland into the District of Columbia.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the product, the solids of egg or egg yolk, had been in part omitted; and, Section 402 (b) (4), artificial color had been added to the product and mixed and packed with it so as to make it appear to be a noodle product which is better and of greater value.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for noodle products since it was made from a mixture composed of less than 5.5 percent by weight of the solids of egg or egg yolk, the minimum permitted, and the product contained artificial coloring, which is not permitted as an optional ingredient by the definition and standard. Further misbranding, Section 403 (g) (2), (1 shipment) the label of the product failed to bear the name of the food specified in the definition and standard, i. e., noodles.

DISPOSITION: November 16, 1950. A plea of guilty having been entered, the court imposed a fine of \$150, plus costs.

16710. Alleged adulteration of macaroni and noodle products. U. S. v. Golden Grain Macaroni Co., Inc., and Paskey Dedomenico. Pleas of not guilty. Tried to the court. Verdict of acquittal. (F. D. C. No. 26349. Sample Nos. 36295-K, 37723-K, 37851-K, 37858-K, 37863-K, 37864-K, 37869-K, 37870-K, 40735-K.)