

MISCELLANEOUS CEREAL PRODUCTS

17506. Action to enjoin and restrain the interstate shipment of adulterated prepared bakers mixes. U. S. v. Myers & Hicks Co., Inc. Decree for injunction entered. (Inj. No. 191.)

COMPLAINT FILED: February 10, 1948, District of Maryland, against Myers & Hicks Co., Inc., Baltimore, Md.

NATURE OF CHARGE: That the defendant had been and was at the time of filing the complaint shipping and causing the shipment in interstate commerce, at Baltimore, Md., of prepared bakers mixes which were adulterated within the meaning of Sections 402 (a) (3) and (4), in that they consisted in part of filthy substances, such as larvae, rodent hair fragments, and insect fragments, and which were being prepared, packed, and held under insanitary conditions at the defendant's plant whereby they may have become contaminated with filth; that the insanitary conditions resulted from the presence of rodents, a cat, rodent excreta pellets, cat excreta, beetles, other insects, and nondescript dirt in and around the areas in the plant where the products were being prepared, packed, and held, and in and around equipment and raw materials used in the preparation of such products.

The complaint alleged further, on information and belief, that the defendant would continue the shipment and delivery for shipment of adulterated bakers mixes unless enjoined from so doing, and prayed that a perpetual injunction issue after due proceedings and that a preliminary injunction be entered to be effective during the pendency of such proceedings.

DISPOSITION: On September 13, 1948, the defendant having consented thereto, a decree was entered enjoining and restraining the defendant from introducing, or delivering for introduction, food and food products, specifically, prepared bakers mixes which it had manufactured and prepared for shipment, or would manufacture and prepare for shipment.

CHOCOLATE PRODUCTS, CANDY, AND SIRUP

CHOCOLATE PRODUCTS

17507. Action to enjoin and restrain the interstate shipment of adulterated chocolate coating and cocoa. U. S. v. Boldemann Chocolate Co., et al. Permanent injunction entered. (Inj. No. 162.)

COMPLAINT FILED: April 9, 1947, Northern District of California, against the Boldemann Chocolate Co., a partnership, San Francisco, Calif., and Oscar Boldemann, Sr., Oscar Boldemann, Jr., Gerald Boldemann, Mrs. George Martin, and Flora B. Boldemann, members of the partnership.

NATURE OF CHARGE: That the defendants for several years past had been and were at the time of filing the complaint, shipping and causing the shipment in interstate commerce, at San Francisco, Calif., of chocolate coating and cocoa which were adulterated within the meaning of Sections 402 (a) (3) and (4), in that the products consisted in part of filthy substances and had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that the insanitary conditions referred to resulted from the presence of insects, larvae, insect webbing and excreta, rodents, rodent excreta, and other filthy and unwholesome substances in and around the factory where the products were prepared, packed, and held, in and around the raw materials from which they were prepared, and in and

around the machinery and equipment of the plant; and that the defendants continued to ship in interstate commerce products prepared under these conditions, which products were contaminated with insect parts, rodent hair, and feather barbules.

The complaint alleged further, on information and belief, that unless restrained, the defendants would continue to introduce and deliver for introduction into interstate commerce, foods adulterated as above-described. The complaint prayed the issuance of a permanent injunction to restrain such acts, and that the defendants be cited to show cause why they should not be enjoined during the pendency of the proceedings.

DISPOSITION: On May 29, 1947, pursuant to a stipulation entered into between counsel for the Government and the defendants, the court entered a permanent injunction restraining and enjoining the defendants from directly or indirectly introducing, or causing the introduction, into interstate commerce of chocolate, chocolate coating, and cocoa, or similar foods, adulterated as charged in the complaint.

CANDY

17508. Action to enjoin and restrain the interstate shipment of adulterated candy. U. S. v. Mrs. Dora E. (Mrs. Louis S.) Horowitz, et al. Temporary injunction granted. (Inj. No. 139.)

COMPLAINT FILED: On or about May 17, 1946, Northern District of Georgia, against Mrs. Dora E. (Mrs. Louis S.) Horowitz and Eleanor T. Horowitz, partners, trading as the Beckham Candy Co., Atlanta, Ga., Louis S. Horowitz, plant manager, and Leonard Salenfriend, superintendent.

NATURE OF CHARGE: That beginning in 1942 and at all times subsequent to that date until the time of filing the complaint, the defendants had been and were introducing and delivering for introduction into interstate commerce, at Atlanta, Ga., candy which was adulterated in the following respects: Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments; and, Section 402 (a) (4), the product had been manufactured and prepared under insanitary conditions whereby it may have become contaminated with filth, in that the building in which the candy was manufactured was not rodentproof and was heavily infested with rodents; and in that rats and mice had free access to the raw materials from which the candy was manufactured, and infested the candy-making equipment during the night and had access to unpacked candy which was cooked and left unprotected.

The complaint alleged further that despite warnings, the defendants failed to remedy the defects in their method of operation in their plant and were continuously manufacturing, preparing, and packing candy which was adulterated.

The complaint alleged further, on information and belief, that the defendants would continue to ship, introduce, and deliver for introduction into interstate commerce such adulterated candy unless enjoined from so doing, and prayed that they be perpetually enjoined from commission of such acts and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: June 14, 1946. The case came on for hearing before the court, and a motion was filed by the defendants' counsel that the case be continued until after pending criminal proceedings were disposed of against one of the defendants. Continuance was granted upon stipulations between the Government and the defendant, that a temporary injunction be granted until after the criminal proceedings had been disposed of. The temporary injunc-