

chairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the article was in package form, and its label failed to bear an accurate statement of the quantity of the contents since the label statement "Net Weight 4½ Ounces" was inaccurate. (The product was short of the declared weight.)

**DISPOSITION:** June 17, 1952. Default decree of condemnation and destruction. On June 19, 1952, an amended decree was entered ordering that a sample of the article be delivered to the Food and Drug Administration and that the remainder be destroyed.

**19704. Adulteration of candy. U. S. v. 9 Cartons \* \* \*. (F. D. C. No. 34603. Sample No. 41728-L.)**

**LIBEL FILED:** January 19, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 11, 1952, by the Akron Candy Co., from Bellevue, Ohio.

**PRODUCT:** 9 cartons, each containing 28 bars, of candy at Philadelphia, Pa.

**LABEL, IN PART:** (Tag attached to pliofilm bag) "Lady Margaret Net Wt. 15 Oz. Caramel Nut Fudge Roll."

**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 insect parts and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 9, 1953. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**19705. Adulteration of fruitcake. U. S. v. 11 Cases \* \* \*. (F. D. C. No. 33702. Sample No. 46373-L.)**

**LIBEL FILED:** September 16, 1952, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 21, 1952, the Tasso Plantation Foods, Arabi, La., delivered the product to New Orleans, La., for shipment to the Panama Canal Zone.

**PRODUCT:** 11 cases, each containing 24 1-pound cans, of fruitcake at New Orleans, La.

**LABEL, IN PART:** (Can) "Old New Orleans Fruit Cake."

**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 and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 21, 1952. Default decree of condemnation and destruction.

### FLOUR \* \* \*

**19706. Adulteration of flour. U. S. v. 70 Bags, etc. (F. D. C. No. 34736. Sample Nos. 64841-L, 64842-L.)**

**LIBEL FILED:** March 3, 1953, Southern District of Iowa.

\*See also No. 19738.

**ALLEGED SHIPMENT:** On or about October 13 and December 3, 1952, from Wichita, Kans., and Crete, Nebr.

**PRODUCT:** 110 50-pound bags of flour at Iowa City, Iowa, in possession of John Nash Grocery Co., Inc.

**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), the article 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:** May 11, 1953. John Nash Grocery 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 reconditioning under the supervision of the Department of Health, Education, and Welfare.

The reconditioning operations consisted of segregating and denaturing the unfit portion for use as animal feed. 86 50-pound bags of the product were found unfit.

**19707. Adulteration of flour. U. S. v. 48 Sacks \* \* \*. (F. D. C. No. 33956. Sample No. 49462-L.)**

**LIBEL FILED:** On or about October 29, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 16, 1952, from Minneapolis, Minn.

**PRODUCT:** 48 100-pound sacks of flour at New York, N. Y.

**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. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 21, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for use as animal feed.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS \*

**19708. Adulteration of rice. U. S. v. 4 Bags, etc. (F. D. C. No. 33485. Sample Nos. 65258-L, 65259-L.)**

**LIBEL FILED:** July 23, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about November 7, 1951, from Stuttgart, Ark.

**PRODUCT:** 15 100-pound bags of rice at Duluth, Minn., in possession of Omaha Dock Number A.

**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:** September 12, 1952. A default decree was entered ordering that the product be denatured for use as animal feed or be destroyed.

**19709. Adulteration of wheat. U. S. v. 85,230 Pounds \* \* \*. (F. D. C. No. 33426. Sample No. 49002-L.)**

**LIBEL FILED:** June 26, 1952, District of Minnesota.

\*See also No. 19739.