

nation was entered against these lots and the court ordered that they be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

Segregation of the product was accomplished by a remilling operation. During the course of this operation, the product became commingled with another lot of rice being remilled. (See the following notice of judgment, No. 18663.) The total amount in both lots delivered for remilling consisted of 9,284 pounds, and the amount of rice fit for human consumption which was recovered from the remilling operations consisted of 8,650 pounds.

**18663. Adulteration of rice. U. S. v. 50 Bags \* \* \*. (F. D. C. No. 31923. Sample No. 22153-L.)**

**LABEL FILED:** October 22, 1951, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about September 8, 1951, from Houston, Tex.

**PRODUCT:** 50 100-pound bags of rice at Birmingham, Ala.

**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 27, 1951. Adolphus Rice Mills, Inc., Houston, Tex., 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 destruction of the unfit portion, under the supervision of the Food and Drug Administration.

Segregation of the product was accomplished by a remilling operation. During the course of this operation, the product became commingled with another lot of rice being remilled. (See the preceding notice of judgment, No. 18662.) The total amount in both lots delivered for remilling consisted of 9,284 pounds, and the amount of rice fit for human consumption which was recovered from the remilling operation consisted of 8,650 pounds.

**18664. Adulteration of puffed wheat, puffed rice, and pearl barley. U. S. v. Purity Mills, Inc., Ray J. Peterson, and Marvin R. Peterson. Pleas of guilty. Joint fine of \$1,000, plus costs; \$800 of fine suspended. (F. D. C. No. 31545. Sample Nos. 7151-L, 7768-L, 10798-L, 12891-L, 21646-L.)**

**INFORMATION FILED:** October 15, 1951, Northern District of Illinois, against Purity Mills, Inc., Dixon Ill., and Ray J. Peterson and Marvin R. Peterson, president and secretary-treasurer, respectively, of the corporation.

**ALLEGED SHIPMENT:** On or about March 13, 24, 27, and 28, and April 2, 1951, from the State of Illinois into the States of Pennsylvania, New York, Indiana, Colorado, and Louisiana.

**LABEL, IN PART:** "Cook Book Puffed Wheat \* \* \* Packed for and Distributed Exclusively By Cook Coffee Company Cleveland"; "Giant Brand Puffed Rice [or "Munch Brand Puffed Wheat"] Purity Mills, Inc., Dixon, Ill."; and "E-Z Cooker Brand Quality Pearl Barley \* \* \* Packed by H. C. Knoke and Company, Chicago."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth; and, Section 402 (a) (3), (pearl barley only) the article consisted in part of a filthy substance by reason of the presence of insects and insect fragments.

**DISPOSITION:** December 12, 1951. Pleas of guilty having been entered, the court imposed a fine of \$200 on each of the 5 counts of the information, plus costs. (The fine included all defendants.) The court suspended payment of \$800 of the total fine for a period of 5 years and informed counsel for the defendants that if they violated the Food, Drug, and Cosmetic Act during that time, payment of the \$800 would be required.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, Nos. 18665 to 18667, and that was below the standard for milk fat content, Nos. 18668, 18669.

**18665. Adulteration of butter.** U. S. v. Wanda Cooperative Creamery Assn., a corporation, and Erick O. Berg. Plea of nolo contendere by corporation; plea of guilty by individual. Corporation fined \$500; fine suspended and corporation placed on probation for 2 years. Sentence suspended against individual defendant and individual placed also on probation for 2 years. (F. D. C. No. 31559. Sample No. 19098-L.)

**INFORMATION FILED:** December 13, 1951, District of Minnesota, against the Wanda Cooperative Creamery Assn. and Erick O. Berg.

**ALLEGED SHIPMENT:** On or about June 6, 1951, from the State of Minnesota into the State of Illinois.

**LABEL, IN PART:** "Creamery Butter Distributed by H. C. Christians Co. \* \* \* Chicago, Ill."

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

**DISPOSITION:** June 23, 1952. A plea of nolo contendere having been entered on behalf of the corporation and a plea of guilty having been entered on behalf of the individual defendant, the court fined the corporation \$500, which was suspended, and suspended sentence against the individual defendant. Both defendants were placed on probation for 2 years.

**18666. Adulteration of butter.** U. S. v. Pratt Co-operative Creamery Co., a corporation, and Melvin J. Nelson. Pleas of guilty. Corporation fined \$250 and individual \$50. (F. D. C. No. 31591. Sample No. 18942-L.)

**INFORMATION FILED:** February 15, 1952, District of Minnesota, against the Pratt Co-operative Creamery Co., Pratt, Minn., and Melvin J. Nelson, operator for the corporation.

**ALLEGED SHIPMENT:** On or about August 10, 1951, from the State of Minnesota into the State of Iowa.

**LABEL, IN PART:** "Creamery Butter Distributed by Fairmont Foods Company General Offices Omaha Nebr."