

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, feather barbules, moth scales, and moth larvae; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 21, 1954. The defendants having entered pleas of nolo contendere, the court fined each defendant \$400, plus costs.

FLOUR

Nos. 21310 to 21312 report actions involving flour that was insect- or rodent-infested, or both. The flour reported in No. 21313 failed to meet the standard for enriched flour.

21310. Adulteration of flour. U. S. v. 84 Bags * * *. (F. D. C. No. 35717. Sample No. 59398-L.)

LIBEL FILED: October 15, 1953, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about June 4 and July 9 and 24, 1953, from Springfield, Ill.

PRODUCT: 84 100-pound bags of flour at Charleston, S. C.

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: February 2, 1954. Thomas & Howard Co., Charleston, S. C., 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 the purpose of denaturing and converting it into animal feed, under the supervision of the Department of Health, Education, and Welfare.

21311. Adulteration of flour, cornmeal, oats, macaroni, and spaghetti with tomato sauce and cheese. U. S. v. 30 Bags, etc. (and 4 other seizure actions). (F. D. C. No. 36385. Sample Nos. 82084-L to 82087-L, incl., 82089-L, 82090-L, 82191-L, 82194-L.)

LIBELS FILED: February 10, 1954, Northern District of Oklahoma.

ALLEGED SHIPMENT: The spaghetti with tomato sauce and cheese was shipped about 6 to 10 years before the libel was filed, and the other products were shipped on or about March 7, 1950, March 9, 1951, July 24, 1952, and February 2 and 3, April 4 and 28, and June 1, 1953, from Abilene and Wichita, Kans., Southwest City and St. Joseph, Mo., and Fort Worth, Tex.

PRODUCT: 30 10-pound bags, 12 25-pound bags, and 76 50-pound bags of flour; 340 pounds in 6 bags, and 15 bags, each bag containing 10 pounds, of cornmeal; 13 cases, each containing 12 3-pound cartons, of oats; 4 cases, each containing 24 1-pound bags, and 6 cases, each containing 24 2-pound cartons, of macaroni; and 32 cases, each containing 24 1-pound, 1-ounce jars, of spaghetti with tomato sauce and cheese, at Vinita, Okla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the spaghetti with tomato sauce and cheese consisted in whole or in part of a decomposed substance, and the other articles consisted in whole or in part of a filthy substance by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

21312. Adulteration of flour and doughnut mix. U. S. v. 32 Bags, etc. (F. D. C. No. 36020. Sample Nos. 59400-L to 59402-L, incl.)

LIBEL FILED: November 17, 1953, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about June 16 and July 24, 1953, from Springfield, Ill.

PRODUCT: 38 100-pound bags of flour and 14 100-pound bags of doughnut mix at Conway, S. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 2, 1954. The Carolina Wholesale Co., Conway, S. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for denaturing and converting into animal feed, under the supervision of the Department of Health, Education, and Welfare.

21313. Adulteration and misbranding of enriched flour. U. S. v. Virgil H. Burchett (Pembroke Roller Mills). Plea of guilty. Fine of \$1,500, plus costs. (F. D. C. No. 35754. Sample No. 70617-L.)

INFORMATION FILED: December 15, 1953, Western District of Kentucky, against Virgil H. Burchett, trading as Pembroke Roller Mills, Pembroke, Ky.

ALLEGED SHIPMENT: On or about June 2, 1953, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: (Bag) "Enriched * * * Bleached Calcium Phosphate Added Pembroke Roller Mills Fancy Patent Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, riboflavin, iron, and niacin, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the label statement "8 ounces of this Enriched Flour contain not less than the following proportions of the minimum daily requirements of Vitamin B₁ 100%, Riboflavin 30%, Iron 65% * * * and 8 mgs. of Niacin" was false and misleading since 8 ounces of the article contained less than such proportions of the minimum daily requirements of the body for vitamin B₁, riboflavin, and iron, and less than 8 milligrams of niacin.

Further misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained, per pound, less than 2.0 milligrams of thiamine (vitamin B₁), less than 1.2 milligrams of riboflavin, less than 13.0 milligrams of iron, and less than 16.0 milligrams of niacin.

DISPOSITION: April 20, 1954. The defendant having entered a plea of guilty, the court imposed a fine of \$1,500, plus costs.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

21314. Adulteration of rice. U. S. v. 57 Bags * * *. (F. D. C. No. 35701. Sample No. 59397-L.)

LIBEL FILED: October 9, 1953, Southern District of Georgia.

*See also Nos. 21311, 21312.