

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F. N. J. NOS. 23051-23100**

*Adulteration*, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

*Misbranding*, Section 403 (a), the labeling of the article was false and misleading; Section 403 (e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**23051. Flour.** (F. D. C. No. 38356. S. No. 20-806 M.)

**QUANTITY:** 87 50-lb. bags at Ardmore, Okla.

**SHIPPED:** 9-6-55, from Arkansas City, Kans.

**LIBELED:** 10-6-55, E. Dist. Okla.

**CHARGE:** 402 (a) (3)—contained rodent urine while held for sale.

**DISPOSITION:** Tyler & Simpson Co., Ardmore, Okla., claimant, filed an exception to the sufficiency of the libel on the ground that it failed to state a claim upon which relief could be granted. Thereafter, the Government filed a motion for summary judgment on the ground that there existed no genuine issue as to any material fact. Subsequently, the claimant withdrew its exception to the libel, and the court, on 4-5-56, entered a decree condemning the article and ordering its destruction.

**23052. Flour.** (F. D. C. No. 38851. S. No. 42-754 M.)

**QUANTITY:** 76 50-lb. bags at El Paso, Tex., in possession of Safeway Stores, Inc.

**SHIPPED:** Between 11-15-55 and 12-6-55, from Enid, Okla.

**LIBELED:** 2-15-56, W. Dist. Tex.

**CHARGE:** 402 (a) (3)—contained animal urine and animal excreta; and 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 4-2-56. Default—consumption by animals.

**23053. Flour and rice.** (F. D. C. No. 38385. S. Nos. 20-634/5 M.)

**QUANTITY:** 157 50-lb. bags of flour and 4 cases, 12 3-lb. pkgs. each, of rice at Manhattan, Kans.

**SHIPPED:** The rice was shipped from Houston, Tex., more than 1 year preceding the filing of the libel, and the flour, on 9-15-55, from Omaha, Nebr.

**LIBELED:** 10-27-55, Dist. Kans.

**CHARGE:** 402 (a) (3)—both lots contained insects, and the flour contained rodent excreta and rodent urine while held for sale.

**DISPOSITION:** 1-30-56. Consent—claimed by Western Grocer, a division of Consolidated Foods Corp., Manhattan, Kans. Converted to animal feed.

**23054. Flour and rice.** (F. D. C. No. 38696. S. Nos. 33-177/8 M.)

**QUANTITY:** 17 100-lb. bags of rice and 29 50-lb. bags of flour at Idaho Falls, Idaho, in possession of John Scowcroft & Sons Co.

**SHIPPED:** 10-7-55 and 10-12-55, from Ogden and Brigham City, Utah.

**LIBELED:** 11-17-55, Dist. Idaho.

**CHARGE:** 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 12-29-55. Default—consumption by animals.

**23055. Flour, shelled pecans, and sesame seed.** (F. D. C. No. 38485. S. Nos. 37-531/4 M.)

**QUANTITY:** 41 100-lb. bags of flour, 2 30-lb. cartons of shelled pecans, and 1 100-lb. bag of sesame seed at Johnstown, Pa.

**SHIPPED:** Between 12-1-54 and 5-25-55, from Winona, Minn., Leavenworth, Kans., Buffalo, N. Y., San Antonio, Tex., and New York, N. Y.

**LIBELED:** 10-11-55, W. Dist. Pa.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 11-22-55. Default—destruction.

**23056. Flour, pinon nuts, and popcorn.** (F. D. C. No. 38681. S. Nos. 33-171/3 M.)

**QUANTITY:** 5 100-lb. bags and 31 50-lb. bags of flour, 3 cases, 24 4-oz. pkgs. each, and 13 cases, 24 8-oz. pkgs. each, of pinon nuts, and 43 2-lb. jars of popcorn at Rawlins, Wyo., in possession of Wyoming Wholesale Distributors, Inc.

**SHIPPED:** Between 11-11-54 and 10-20-55, from Ogden, Utah, and Denver, Colo.

**LIBELED:** 11-16-55, Dist. Wyo.

**CHARGE:** 402 (a) (3)—the flour contained rodent urine, the pinon nuts contained rodent excreta and rodent-gnawed nuts, and the popcorn contained insects and insect parts while held for sale; and 402 (a) (4)—the flour and pinon nuts were held under insanitary conditions.

**DISPOSITION:** 1-24-56. Default—destruction.

**23057. Flour and seedless raisins.** (F. D. C. No. 38666. S. Nos. 32-808/9 M.)

**QUANTITY:** 61 100-lb. bags of flour and 5 30-lb. boxes of seedless raisins at Shenandoah, Pa., in possession of Louis Aranoff & Sons.

**SHIPPED:** The flour was shipped on 6-27-55 from Atchison, Kans., and the raisins were shipped on an unknown date from San Francisco, Calif.

**LIBELED:** 11-2-55, E. Dist. Pa.