

DISPOSITION: 12-19-58. Default—destruction.

25565. Flour and batter mix. (F.D.C. No. 42290. S. Nos. 15-544 P, 15-545 P.)

QUANTITY: 9 100-lb. bags, and 4 cases, 10 5-lb. ctns. each, at Dayton, Ohio, in possession of Peerless Food Co.

SHIPPED: 9-5-58 and 9-19-58, from Chicago, Ill., and St. Louis, Mo.

LIBELED: 11-18-58, S. Dist. Ohio; libel amended on or about 11-24-58.

CHARGE: 402(a)(3)—the batter mix contained insects; and 402(a)(4)—the batter mix and flour were held under insanitary conditions.

DISPOSITION: 12-18-58. Default—destruction.

25566. Flour. (F.D.C. No. 42350. S. No. 10-128 P.)

QUANTITY: 13 100-lb. bags and 1 50-lb. drum at Rochester, N.Y.

SHIPPED: 2-24-58, from New Ulm, Minn.

LIBELED: 11-5-58, W. Dist. N.Y.

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

DISPOSITION: 12-24-58. Default—destruction.

MACARONI AND NOODLE PRODUCTS*

25567. Egg noodles and flour. (F.D.C. No. 41186. S. Nos. 55-387 M, 65-115 M.)

INFORMATION FILED: 5-6-58, S. Dist. Ohio, against Baker Bros., a partnership, Zanesville, Ohio, and Fred W. Baker, partner.

ALLEGED VIOLATION: Between 7-3-57 and 11-5-57, while quantities of egg noodles and flour were being held for sale after shipment in interstate commerce, the defendants caused the articles to be placed in a building that was accessible to insects, mice, and rats, and to be exposed to contamination by insects, mice, and rats, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the egg noodles contained insects and the flour contained rodent excreta and urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-19-58. Fine of \$500 against each defendant.

25568. Egg noodles, dried black-eyed peas, and oleomargarine. (F.D.C. No. 41997. S. Nos. 16-965/7 P.)

QUANTITY: 13 cases, 12 12-oz. pkgs. each, of egg noodles, 2 100-lb. bags of dried black-eyed peas, and 4 cases, 30 1-lb. pkgs. each, of oleomargarine, at Cincinnati, Ohio.

SHIPPED: Between 9-24-57 and 6-13-58 (noodles), from Chicago, Ill.; 6-2-58 (peas), from Denver, Colo.; and (oleomargarine), sold 1-21-58, at Cincinnati, Ohio.

LIBELED: 8-21-58, S. Dist. Ohio.

CHARGE: 402(a)(3)—noodles and black-eyed peas contained insects, insect fragments, and insect excreta while held for sale; the oleomargarine was sold in the same state in which it was produced and, while held for further sale, it contained moldy oleomargarine.

*See also No. 25582.

DISPOSITION: 8-29-58. Consent—delivered to a local institution for use as animal feed.

25569. Egg noodles. (F.D.C. No. 42343. S. No. 28-452 P.)

QUANTITY: 40 cases, 24 8-oz. bags each, at Austin, Tex.

SHIPPED: 9-23-58, from St. Louis, Mo., by Kientzel Noodle Co., Inc.

LABEL IN PART: (Bag) "Ma's Brand Pure Egg Noodles."

LIBELED: 10-28-58, W. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 1-16-59. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

25570. Wheat. (Inj. No. 341.)

COMPLAINT FOR INJUNCTION FILED: 7-31-58, Dist. Kans., against Rodney Milling Co., a corporation, Atchison, Kans., and Earl Thompson, an individual.

CHARGE: The complaint alleged that the defendants were engaged in operating a grain elevator for the storage and distribution of wheat for human consumption, and that they had been and were introducing and causing to be introduced into interstate commerce, wheat which was adulterated within the meaning of 402(a)(3) and (4) by reason of the presence therein of filth, and by reason of holding the wheat under insanitary conditions at the defendants' grain elevator at Atchison, Kans.

It was alleged further that the insanitary conditions resulted from, and consisted of, mice about several of the bins, and mice excreta pellets, insects and insect larva in the wheat; mice pellets and mice tracks around all walls, and in various sections of the elevator; and employees sweeping mice excreta pellets onto the wheat in the storage bins.

DISPOSITION: On 8-8-58, the defendants having consented, the court entered a decree permanently enjoining and restraining the defendants from introducing into interstate commerce, wheat for human consumption which was adulterated within the meaning of 402(a)(3) and (4). The decree also enjoined the defendants against introducing into interstate commerce, any wheat for human consumption held at defendant's grain elevator at Atchison, Kans., unless and until the following acts were done:

(a) the elevator was thoroughly cleaned, renovated, and rendered suitable for the storage of wheat for human consumption; all rodent and insect filth was removed from the elevator; the means of ingress and egress of the elevator by rodents was closed; and any similar insanitary conditions which might result in the contamination of wheat for human consumption while held in the elevator were eliminated;

(b) all the wheat which was on hand in the elevator at the time the elevator sections were cleaned, renovated, and rendered suitable for the storage of food for human consumption was destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of a representative of the Food and Drug Administration and thus brought into compliance with the provisions of the Act, with all costs of supervision to be borne by the defendants; and

*See also Nos. 25557, 25563, 25565, 25608.