

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect larval cast skins, insect fragments, rodent hair fragments, feather fragments, an insect larval head capsule, and a feather fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 11, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$75 on each of the 3 counts of the information. The fine on count 3 was suspended, and the defendant was placed on probation for 1 year.

13515. Adulteration of bread. U. S. v. The Kroger Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 24539. Sample Nos. 26412-K, 26413-K, 26817-K to 26820-K, incl.)

INFORMATION FILED: September 24, 1948, Western District of Tennessee, against the Kroger Co., a corporation, Memphis, Tenn.

ALLEGED SHIPMENT: On or about September 17, 19, and 20, 1947, from the State of Tennessee into the State of Arkansas.

LABEL, IN PART: "Kroger Rye Bread [or "Raisin Bread," or "Sliced White Bread"]."

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

DISPOSITION: October 29, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

13516. Adulteration and misbranding of bread. U. S. v. Mel's Cookie Co. (Meyer's Bakery of Texarkana), and Dayton E. Shermer, Sr. Pleas of nolo contendere. Joint fine of \$200; suspension of additional fine of \$500. (F. D. C. No. 24535. Sample Nos. 22608-K, 22610-K.)

INFORMATION FILED: April 20, 1948, Eastern District of Texas, against Mel's Cookie Co., a corporation, trading as Meyer's Bakery of Texarkana, at Texarkana, Tex., and Dayton E. Shermer, Sr., president.

ALLEGED SHIPMENT: On or about October 21 and 22, 1947, from the State of Texas into the State of Arkansas.

LABEL, IN PART: "Meyer's Fresh Bread."

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

Misbranding, Section 403 (a), the label statements "One half pound of this bread supplies you with at least the following amounts or percentages of your minimum daily requirements for these essential food substances: Thiamine (Vitamin B₁) 55%; Riboflavin (Vitamin B₂) 17.5%; Niacin (another 'B' Vitamin) 5 milligrams" were false and misleading since one-half pound of the article contained less than 55 percent of the minimum daily requirement for thiamine (vitamin B₁), less than 17.5 percent of the minimum daily requirement for riboflavin (vitamin B₂), and less than 5 milligrams of niacin.

DISPOSITION: June 17, 1948. Pleas of nolo contendere having been entered, the defendants were jointly fined \$200 on counts 1 and 2. In addition, the defendants were fined \$500 on counts 3 and 4, which fine was suspended on condition that an attempt be made in good faith to comply with the law.

13517. Misbranding of bread. U. S. v. Eddy Bakery, Boise, Inc., James E. O'Connell, and Haskell Preffer. Pleas of nolo contendere. Corporation fined \$230; each individual defendant fined \$10. (F. D. C. No. 24813. Sample Nos. 75270-H, 75271-H, 77839-H, 36115-K to 36117-K, incl., 36119-K to 36122-K, incl.)

INFORMATION FILED: July 2, 1948, District of Idaho, against Eddy Bakery, Boise, Inc., Boise, Idaho, James E. O'Connell, president, and Haskell Preffer, manager of the Boise, Idaho, plant.

ALLEGED SHIPMENT: Between the approximate dates of June 23 and October 2, 1947, from the State of Idaho into the States of Nevada and Oregon.

LABEL, IN PART: "Eddy's Pan Dandy White Bread * * * 1 Lb. [or "1½ Lbs.]," "Eddy's Potato Bread Net Weight 1 Lb. 8 Ozs.," "Eddy's Honey Curled Wheat Bread * * * Wt. 1 Lb.," or "Eddy's Raisin Bread 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements on the labels of the white bread and potato bread, "One half pound of this bread supplies you with at least the following amount or percentages of your minimum daily requirement for these essential food substances: Thiamine (Vitamin B₁) 55%; riboflavin (Vitamin B₂) 17.5%; niacin (another 'B' Vitamin) 5 milligrams; iron 40%," were false and misleading, since one-half pound of the bread would provide less than 55 percent of the minimum daily requirements of thiamine and less than 5 milligrams of iron and (one lot of white bread and one lot of potato bread) less than 17.5 percent of the minimum daily requirements of riboflavin and less than 5 milligrams of niacin; and, Section 403 (e) (2), all of the bread failed to bear labels containing accurate statements of the quantity of the contents. (The loaves of bread weighed less than the labeled weight.)

DISPOSITION: September 7, 1948. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined \$230 and each individual defendant was fined \$10.

13518. Adulteration of cakes and sweet rolls. U. S. v. Monroe Bakery, Inc., and L. Gene Corley. Pleas of guilty. Individual defendant fined \$100; both defendants placed on probation for 5 years. (F. D. C. No. 24826. Sample Nos. 22810-K, 22811-K, 22815-K.)

INFORMATION FILED: July 19, 1948, Western District of Louisiana, against Monroe Bakery, Inc., Monroe, La., and L. Gene Corley, president and general manager.

ALLEGED SHIPMENT: On or about March 18, 1948, from the State of Louisiana into the State of Mississippi.

LABEL, IN PART: "Fine Cake 10¢," "Fine Sweet Rolls 15¢," and "Ideal Cake 25¢."

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

DISPOSITION: October 5, 1948. Pleas of guilty having been entered, the court imposed a fine of \$100 against the individual defendant and placed each defendant on probation for 5 years.

13519. Adulteration of cakes and sweet rolls. U. S. v. Portsmouth Cake & Cookie Co. Plea of guilty. Fine, \$450. (F. D. C. No. 24552. Sample Nos. 2442-K, 19103-K, 19104-K.)

INFORMATION FILED: May 11, 1948, Southern District of Ohio, against the Portsmouth Cake & Cookie Co., a partnership, Portsmouth, Ohio.

ALLEGED SHIPMENT: On or about November 13 and 23, 1947, from the State of Ohio into the States of West Virginia and Kentucky.

LABEL, IN PART: "Ol' Home Devils Food Cake [or "Fruit Cake" or "Sweet Rolls"]."

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

DISPOSITION: May 28, 1948. A plea of guilty having been entered, the court imposed a fine of \$450.

13520. Adulteration of fruit cake. U. S. v. 50 Cases, etc. (F. D. C. No. 22208. Sample Nos. 54349-H, 54350-H.)

LABEL FILED: January 23, 1947, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about September 11 and 23, 1946, by the Karl Baking Co., from Newark, N. J.