

urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 10, 1948. Castle & Cooke, Ltd., Honolulu, T. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the salvaging of the fit portion and the denaturing of the unfit portion, for use as stock or poultry feed. Of the 200 sacks seized, 107 sacks were salvaged as fit for human consumption, and the remainder were denatured.

14537. Adulteration of broken rice. U. S. v. 5,000 Sacks * * *. (F. D. C. No. 25928. Sample Nos. 29238-K, 29617-K.)

LIBEL FILED: November 16, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about September 21, 22, 23, and 24, 1948, by the Farmers' Rice Growers Cooperative, from Sacramento, Calif.

PRODUCT: 5,000 100-pound sacks of broken rice at Brighton, Colo.

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.

DISPOSITION: April 4, 1949. The Farmers' Rice Growers Cooperative, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond so that the rice could be subjected to a brushing process to eliminate the insect infestation, under the supervision of the Federal Security Agency.

14538. Misbranding of Kellogg's Rice Krispies. U. S. v. 945 Cases * * *. (F. D. C. No. 24380. Sample No. 41601-K.)

LIBEL FILED: March 18, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 12, 1948, by the Kellogg Sales Co., from Battle Creek, Mich.

PRODUCT: 945 cases, each containing 36 5½-ounce packages, of Kellogg's Rice Krispies at Chicago, Ill.

LABEL IN PART: (Package) "Kellogg's Rice Krispies."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements borne on the label were misleading: "Rice Krispies—Restored to Whole Grain Nutritive Value * * * Each Serving (one cup) supplies important amounts of your daily nutritional requirements * * * Rice Krispies 1 cup (1 ounce), Calories 108, Protein, grams 1.9, Fat, grams 0.08, Carbohydrates, grams 24.9, Calcium, mg. 7.1, Phosphorus, mg. 32.3, Iron, mg. 0.5, Vitamin A. I. U." The statements represented and suggested that one cup of the product supplied important amounts of one's nutritional requirements for calories, proteins, fat, carbohydrates, calcium, phosphorus, vitamin A, and iron, whereas the product would supply nutritionally unimportant quantities of these factors.

Further misbranding, Section 403 (j), the product was represented as a food for special dietary uses by reason of its niacin, vitamin B₁, calcium, phosphorus, and iron content; and its label failed to bear such information concerning its vitamin and mineral properties as the Federal Security Administrator had determined to be, and by regulations prescribed as, necessary to inform purchasers as to its value for such uses, since its label failed to bear a statement of the proportion of the minimum daily requirements of vitamin B₁, calcium, phosphorus, and iron supplied by the product when consumed in a specified quantity during a period of one day.

DISPOSITION: The Kellogg Sales Co., Battle Creek, Mich., appeared as claimant and consented to the entry of a decree on the charge under Section 403 (a), but refused to consent to a decree on the issue arising under Section 403 (j).

On November 23, 1948, the court made its finding that the product was misbranded in violation of Section 403 (a), and ordered that the product be condemned and delivered to a public institution. The court ruled further that condemnation effectively disposed of the case and that the issue arising from the charge under Section 403 (j) was moot, and refused to decide such issue and ordered the charge dismissed.

14539. Adulteration of pie crust and pastry mix. U. S. v. 52 Cases * * *
(F. D. C. No. 25866. Sample No. 194-K.)

LIBEL FILED: On or about October 27, 1948, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 8, 1947, from Kokomo, Ind.

PRODUCT: 52 cases, each containing 12 8-ounce packages, of pie crust and pastry mix at Atlanta, Ga.

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

DISPOSITION: December 17, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed.

14540. Adulteration of doughnut flour mix. U. S. v. 2 Bags * * * (F. D. C. No. 26513. Sample No. 27340-K.)

LIBEL FILED: February 9, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 4, 1949, by the Dixie Cream Flour Co., from St. Louis, Mo.

PRODUCT: 2 100-pound bags of doughnut flour mix at Springfield, Ill.

LABEL, IN PART: "Dixie Cream Donut Flour."

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

DISPOSITION: April 26, 1949. Default decree of condemnation and destruction.

14541. Adulteration of cereal binder. U. S. v. 17 Bags * * * (F. D. C. No. 25408. Sample No. 19530-K.)

LIBEL FILED: August 25, 1948, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about January 12 and February 10, 1948, from Fari-bault, Minn.

PRODUCT: 17 100-pound bags of cereal binder at Nashville, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 27, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as hog feed.