

- 2149. Adulteration of corn meal. U. S. v. 53 Sacks of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be denatured by adding lamp black thereto and not to be disposed of contrary to law.** (F. D. C. No. 5138. Sample No. 49425-E.)

This product contained rodent hairs and excreta and insect hairs and larvae.

On July 12, 1941, the United States attorney for the Southern District of Texas filed a libel against 53 sacks of corn meal at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about April 29, 1941, by Staley Milling Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "White Deer Cream Meal."

On August 21, 1941, Park Benjamin, II, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured by adding lamp black to it so that it could not be disposed of for human consumption.

MISCELLANEOUS

- 2150. Adulteration of rice. U. S. v. 50 Sacks of Rice. Default decree of destruction.** (F. D. C. No. 4732. Sample No. 43420-E.)

Examination showed that this product contained rodent excreta. The sacks in which it was packed had been torn and gnawed by rats and contained an accumulation of rat pellets and bird droppings. The contamination occurred in the warehouse after shipment.

On or about May 17, 1941, the United States attorney for the Western District of Missouri filed a libel against 50 sacks of rice at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 28, 1941 (correct date apparently was September 13, 1940), by Smith Rice Mill Co. from DeWitt, Ark.; and charging that it was adulterated. It was labeled in part: "Smith Uncoated Rice 100 lbs Net."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On June 27, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

- 2151. Adulteration of spaghetti, macaroni, egg noodles, rolled oats, and mill oats. U. S. v. 69 Cases of Spaghetti, 59 Cases of Macaroni, 95 Cases of Egg Noodles, 52 Cases of Rolled Oats, and 178 Cases of Cream of the Mill Oats. Consent decree of condemnation. Products ordered released under bond for salvaging.** (F. D. C. No. 5171. Sample Nos. 31194-E to 31198-E, incl.)

These products consisted of fire- and water-damaged merchandise. Examination showed that they contained mold.

On July 21, 1941, the United States attorney for the Northern District of Illinois filed a libel against 69 cases of spaghetti, 59 cases of macaroni, 95 cases of egg noodles, 52 cases of rolled oats, and 178 cases of mill oats at Chicago, Ill., alleging that the articles had been shipped in interstate commerce within the period from on or about May 22 to on or about June 13, 1941, by the Underwriters Salvage Co. from Evansville, Ind.; and charging that they were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The articles were labeled in part variously: "Red Box Brand Spaghetti"; "Red Box Brand Macaroni"; "Diamond Island Brand Rolled Oats"; "Diamond Island Brand Cream of the Mill Oats."

On August 24, 1941, the Underwriters Salvage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for salvaging the good portions under the supervision of the Food and Drug Administration.

- 2152. Adulteration of canned spaghetti with tomato sauce and cheese. U. S. v. 10 Cases of Spaghetti. Default decree of forfeiture and destruction.** (F. D. C. No. 4952. Sample No. 44859-E.)

Examination showed that the tomato sauce in this product contained excessive mold, indicating the presence of decomposed material.

On June 19, 1941, the United States attorney for the District of Idaho filed a libel against 10 cases, each containing 48 cans, of spaghetti at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about September 25, 1940, by Superior Food Products Manufacturing Co., Inc., from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled

in part: (Cans) "Sonny Boy Brand Italian Style Cooked Spaghetti With Tomato Sauce And Cheese Net Weight 15 Ozs."

On July 24, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

2153. Adulteration of gingersnaps. U. S. v. 12 Cartons of X-Snaps. Default decree of condemnation and destruction. (F. D. C. No. 3697. Sample No. 50486-E.)

This product consisted of gingersnaps labeled "X-Snaps," which contained rodent hairs and insect fragments.

On January 22, 1941, the United States attorney for the Western District of Virginia filed a libel against 12 cartons of X-Snaps at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about October 29, 1940, by the G. L. Baking Co. from Frederick, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2154. Adulteration of hominy grits. U. S. v. 9 Bags of Grits. Default decree of condemnation and destruction. (F. D. C. No. 5060. Sample No. 48150-E.)

This product was insect-infested.

On July 2, 1941, the United States attorney for the Middle District of Georgia filed a libel against 9 bags of hominy grits at Thomasville, Ga., alleging that the article had been shipped in interstate commerce on or about April 19 and May 16, 1941, by the Meridian Grain & Elevator Co. from Meridian, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "96 Lbs. Net NunBetter Medium Grits Degerminated Hominy Grits."

On August 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FEED

2155. Adulteration and misbranding of fish meal. U. S. v. 50 Sacks of Fish Meal. Consent decree of condemnation and destruction. (F. D. C. No. 5011. Sample No. 25375-E.)

Examination showed that this product contained ground nut shells.

On July 3, 1941, the United States attorney for the District of Kansas filed a libel against 50 sacks of fish meal at Salina, Kans., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by R. J. Roesling Co. from Richmond, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a mixture of fish meal and ground nut shells had been substituted wholly or in part for fish meal, which it purported to be.

It was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On July 29, 1941, the case having come on for hearing and the consignee, the sole intervenor, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

2156. Adulteration and misbranding of poultry cod-liver oil. U. S. v. 19 Drums of Cod-Liver Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4073. Sample No. 38450-E.)

This product was labeled as containing 400 A. O. A. C. chick units of vitamin D per gram, but it contained not more than 320 such units per gram.

On March 28, 1941, the United States attorney for the District of Minnesota filed a libel against 19 drums of cod-liver oil at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about July 17, 1940, by the New England By-Products Corporation from Gloucester, Mass.; and charg-