

The article was alleged to be misbranded in that the statements "Net Weight 2½ Lbs.," and "Net Weight 2 Lbs. 8 Ozs.," were false and misleading since the packages contained less than the declared weight. It was alleged to be misbranded further in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CORN MEAL AND FLOUR

**5120. Adulteration of corn meal. U. S. v. 142 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 9859. Sample Nos. 41368-F, 41369-F.)**

This product was stored under insanitary conditions after shipment in interstate commerce and when examined rodent pellets were found on the bags, many of the bags had been chewed by rodents, and live weevils were observed on the outside of the bags. Examination of the meal showed that it contained beetles, larvae, and insect fragments, and that one lot contained rodent hair fragments.

On April 23, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 142 96-pound bags of corn meal at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 5, 1942, and January 16, 1943, from St. Joseph, Mo., and that it was in possession of Witherspoon Bros.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Sea Breeze Cream Corn Meal."

On June 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5121. Adulteration of flour. U. S. v. 45 Bags of Flour and 15 Bags of Flour. Consolidated decree of condemnation. (F. D. C. Nos. 9821, 9822. Sample Nos. 20081-F, 20082-F.)**

This product was stored under insanitary conditions after shipment in interstate commerce. Rodent pellets and what appeared to be urine stains were found on the bags. Examination of the samples confirmed the presence of urine on the bags and the flour directly beneath the stained portion.

On April 19, 1943, the United States attorney for the District of Massachusetts filed libels against a total of 60 bags of flour at Boston, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about October 30, 1942, to February 15, 1943, from Island City, Oreg., and Mt. Vernon and Loudonville, Ohio, and that it was in possession of Betty Alden Products, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, flour contaminated with rodent urine, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "B. W. Pie All Purpose Pastry Flour," "Blue Ribbon," "White Spear Pastry," "Silver Spike," or "State House Brand Fancy Pastry Flour."

On May 6, 1943, the Betty Alden Products, Inc., claimant, having admitted the allegations of the libel, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond for segregating and destroying the bad portion under the supervision of the Food and Drug Administration.

**5122. Adulteration of flour. U. S. v. 112 Bags of Wheat Flour. Consent decree of condemnation. Product ordered released under bond for denaturing. (F. D. C. No. 9751. Sample No. 23255-F.)**

This product was stored under insanitary conditions. Mouse pellets were found on all the bags. Some bags had been gnawed by mice and contained urine stains, and flour removed from a gnawed bag was found to contain a large number of rodent pellets.

On or about April 7, 1943, the United States attorney for the District of New Jersey filed a libel against 112 bags of wheat flour at Trenton, N. J., in the possession of the Original Trenton Cracker Co., alleging that the article had been shipped in interstate commerce on or about October 22, 1942, from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, mouse pellets and urine-stained flour, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 23, 1943, Christopher Cartlidge, trading as the Original Trenton Cracker Co., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food & Drug Administration, so that it could not be used for human consumption.

**5123. Adulteration of flour. U. S. v. 160 Bags of Flour. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 9730. Sample No. 20079-F.)

The room where this flour was stored was infested with mice and numerous excreta pellets and urine stains were found on the bags.

On March 31, 1943, the United States attorney for the District of Massachusetts filed a libel against 160 98-pound bags of flour at Milton, Mass., in the possession of G. H. Bent Co., alleging that the article had been shipped in interstate commerce on or about November 25, 1942, from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, urine-stained flour, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Kismet Patent Flour \* \* \* Cracker."

On April 15, 1943, the G. H. Bent Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released upon deposit of cash collateral, conditioned that the good portions be segregated from the bad portions and the latter destroyed, under the supervision of the Food and Drug Administration.

**5124. Adulteration of graham flour. U. S. v. 115 Bags of Graham Flour. Default decree of condemnation and destruction.** (F. D. C. No. 9728. Sample No. 37302-F.)

On March 29, 1943, the United States attorney for the District of Maryland filed a libel against 115 98-pound bags of flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 18 and March 10, 1943, by G. D. Chinault from Seven Valleys, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, larvae, insect fragments, rodent excreta fragments, rodent hair fragments, and fragments resembling rodent hair, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On May 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**MISCELLANEOUS CEREAL PRODUCTS**

**5125. Adulteration of popcorn. U. S. v. 6 Bags of Popcorn. Default decree of condemnation and destruction.** (F. D. C. No. 9871. Sample No. 23038-F.)

On April 29, 1943, the United States attorney for the Middle District of Pennsylvania filed a libel against 6 100-pound bags of popcorn at Kingston, Pa., alleging that the article had been shipped in interstate commerce on or about February 5, 1943, by the E. D. Hostetter Co. from Richwood, Ohio; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent pellets and rodent-damaged corn. The article was labeled in part: (Tag) "Nunso Evaporated Sweet Corn Popping Corn."

On June 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5126. Adulteration of rice and yellow split peas. U. S. v. 109 Bags of Rice, 100 Bags of Yellow Split Peas, and 42 Bags of Rice. Consolidated decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. Nos. 9836, 9868. Sample Nos. 20087-F, 20089-F, 20090-F, 20097-F.)

These products had been stored under insanitary conditions after shipment in interstate commerce and when examined rodent excreta was found on the bags and many of the bags had been gnawed by rodents and contained rodent urine stains.

On April 21 and 26, 1943, the United States attorney for the District of Massachusetts filed libels against 151 100-pound bags of rice and 100 100-pound bags of yellow split peas at Boston, Mass., alleging that the articles were in possession of the Bowker Storage & Distributing Co., Inc., and that they had been shipped in interstate commerce within the period from on or about November 17, 1942,