

5629. Adulteration of cake flour. U. S. v. 210 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 10873. Sample No. 56084-F.)

This product contained insects, larvae, pupae, and insect fragments.

On or about October 6, 1943, the United States attorney for the Southern District of New York filed a libel against 210 bags of flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 10, 1943, by the Lakeview Milling Co., Chambersburg, Pa.; and charging that it was adulterated as it was a product consisting in whole or in part of a filthy substance. The article was labeled in part: "Cream of the Lake Bleached Cake Flour."

On October 20, 1943, the Gottfried Baking Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured at the place where the flour was stored, under the supervision of the Food and Drug Administration, by mixing bone meal or another ingredient with the flour so that it could be used only as a poultry or animal food. On October 27, 1943, the decree was amended to permit denaturing of the product at the place of business of a certain other company.

5630. Adulteration of doughnut flour. U. S. v. 8 Bags of Donut Flour. Consent decree ordering destruction of the product. (F. D. C. No. 10911. Sample No. 21925-F.)

On October 9, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 8 bags, each containing 140 pounds, of doughnut flour at Pittsburgh, Pa., alleging that the article had been shipped on or about June 1, 1943, by the Joe Lowe Corporation from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of insects, insect larvae, and cast skins.

On October 21, 1943, the claimant having consented to the entry of a decree, judgment was entered ordering the product to be destroyed.

5631. Adulteration of doughnut flour. U. S. v. 101 Bags of Doughnut Flour. Default decree of condemnation and destruction. (F. D. C. No. 11016. Sample No. 12576-F.)

This product had been stored under insanitary conditions after shipment. Rodent pellets and urine stains were noted on some of the bags, and some had been gnawed by rodents. Examination of samples taken from this lot showed that it contained rodent hairs and rodent excreta.

On October 26, 1943, the United States attorney for the Western District of Washington filed a libel against 101 second-hand flour bags, each containing 100 pounds, of doughnut flour at Seattle, Wash., alleging that the article, which was in the possession of Cottage Donuts, Inc., had been shipped in interstate commerce on or about August 14, 1943, from Los Angeles, Calif.; 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 might have become contaminated with filth.

On November 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5632. Adulteration of flour mixes. U. S. v. 42 Bags of Coffee Cake Mix (and 3 other seizures of flour mixes). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered disposed of as animal feed. (F. D. C. Nos. 10265, 10331, 10381, 11483. Sample Nos. 8991-F, 9151-F, 28991-F to 28993-F, incl., 49836-F.)

On or about July 17 and 31, August 9, and December 21, 1943, the United States attorneys for the Southern District of Texas, the Eastern District of South Carolina, and the Western District of New York filed libels against 42 bags of coffee cake mix, 69 drums of spice muffin mix, 30 drums of waffle mix, 16 drums of bran muffin mix, and 48 sacks of ginger muffin mix at Houston, Tex., 108 drums of ginger muffin mix, 28 drums of biscuit mix, and 40 drums of waffle mix at Columbia, S. C., and 3 barrels of gingerbread doughnut mixture at Jamestown, N. Y., alleging that the lot located at Jamestown had been shipped from Ellicott City, Md., on or about May 1, 1941, and that the remainder had been shipped within the period from on or about April 5 to June 2, 1943, in part from Ellicott City, Md., and in part from New York, N. Y., all

shipments having been made by the Doughnut Corporation of America; and charging that they were adulterated in that they consisted in whole or in part of filthy substances by reason of the presence of various types of filth such as insects, larvae, insect fragments, and weevils. The articles were labeled in part: "Downyflake Fixt Ginger Muffin Mix [or "Biscuit Mix," or "Waffle Mix"]," "Downyflake Fixt Mix * * * Spice Muffin [or "Bran Muffin"]," "Ginger Bread Doughnut Mixture," or "Special Coffee Cake Mix."

On August 26 and September 21 and 30, 1943, and February 18, 1944, no claimant having appeared, judgments of condemnation were entered and the products seized at Jamestown, N. Y.; and Columbia, S. C., were ordered destroyed, and those seized at Houston, Tex., were ordered converted into animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

5633. Adulteration of Economalt. U. S. v. 3 Bags of a Wheat Product. Decree of condemnation and destruction. (F. D. C. No. 10884. Sample No. 34272-F.)

On October 6, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 3 bags, each containing 100 pounds, of a wheat product at New Castle, Pa., alleging that the article had been shipped on or about October 30, 1942, by the Kansas Milling Company from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of insect excreta pellets, webbing, insects, and larvae. The article was labeled in part: (Bags) "Bakers Economalt Non-Caking Made From Wheat * * * Cereal Research Laboratories Wichita, Kansas."

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

5634. Adulteration of popcorn. U. S. v. 289 Bags of Pop Corn. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 12486. Sample No. 53667-F.)

On May 31, 1944, the United States attorney for the Southern District of California filed a libel against 289 bags of popcorn at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 20, 1944, by the J. A. McCarty Seed Co. from Evansville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta. The article was labeled in part: (Bags) "Mellos' Block Buster Brand Pop Corn Mellos Peanut Co. Los Angeles, Calif."

On June 19, 1944, William J. Daze, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

5635. Alleged adulteration of popcorn. U. S. v. 55 Cases of Popped Corn and 20 Cases, 25 Cases, and 25 Cases of Popcorn. Tried to the court. Decrees entered ordering dismissal of the case and the release of the product to the claimant. (F. D. C. No. 10682. Sample Nos. 42849-F to 42851-F, incl. 42853-F.)

Analysis showed that this product was popped popcorn with added artificially colored mineral oil and salt.

On September 10, 1943, the United States attorney for the District of Idaho filed a libel against 55 cases, each containing 24 packages, 20 cases, each containing 60 packages, and 50 cases, each containing 72 packages, of popcorn, at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about July 27 and 29 and August 18, 1943, from Spokane, Wash., by the Masterson Food Products Co. and Hol-Grain Products; and charging that it was adulterated. The adulteration charges are set out in the court's opinion. The article was labeled in part: (Packages) "Masterson Food Products Popped Corn [or "Popcorn"]. Ingredients Popcorn, Mineral Oil, Salt (If colored or flavored U. S. Certified coloring and flavoring used)."

On December 4, 1943, Mason, Ehrman & Company, Moscow, Idaho, having appeared as claimant, the case came on for trial before the court without a jury. After the taking of testimony had been concluded, the case was taken under advisement by the court, and on December 20, 1943, the court handed down the following memorandum opinion:

CLARK, *District Judge*:

"The libel of information in this case seeks destruction of four interstate shipments of popped corn charged to have been adulterated within the meaning of