

18360. Adulteration of rice flour. U. S. v. 295 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 31937, 31961. Sample Nos. 25643-L, 25644-L, 25773-L.)

LIBELS FILED: October 23 and 29, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 9, and May 28, 1951, from San Francisco, Calif.

PRODUCT: 315 100-pound bags of rice flour at Philadelphia, Pa.

RESULTS OF INVESTIGATION: The article had been stored under insanitary conditions at Gallagher's Warehouse, Inc., Philadelphia, Pa. Some of the bags were rodent-gnawed, and rodent pellets and rodent urine were observed on them.

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 rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 23, 1952. The libel proceedings against the 2 lots of the product having been consolidated and Stein-Hall & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use for industrial purposes.

18361. Adulteration and misbranding of enriched flour. U. S. v. Newport Cooperative Mill, Inc. Plea of guilty. Fine of \$250, plus costs. (F. D. C. No. 31528. Sample No. 11479-L.)

INFORMATION FILED: November 29, 1951, Eastern District of Tennessee, against Newport Cooperative Mill, Inc., Newport, Tenn.

ALLEGED SHIPMENT: On or about March 1, 1951, from the State of Tennessee into the State of North Carolina.

LABEL, IN PART: "Superlative Patent Perfection Self-Rising Flour * * * Newport Cooperative Mill Inc. Newport, Tenn. Enriched Self-Rising Flour 8 oz. of enriched self-rising flour contain not less than the following proportions of the minimum daily requirements of vitamin B₁ 100% riboflavin 30% * * * and 8 mgs. of niacin."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B₁, riboflavin, and niacin, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the statement "8 oz. of enriched self-rising flour contain not less than the following proportions of the minimum daily requirements of vitamin B₁ 100%, riboflavin 30% * * * and 8 mgs. of niacin" borne on the label was false and misleading since 8 ounces of the article contained less than the stated proportions of vitamin B₁ and riboflavin and less than 8 milligrams of niacin; and, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since the regulations require that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B₁), not less than 1.2 milligrams of riboflavin, and not less than 16.0 milligrams of niacin. The article contained less than these amounts of the named vitamin substances.

DISPOSITION: March 3, 1952. A plea of guilty having been entered, the court imposed a fine of \$250, plus costs.