

ORDER

"An exception having been filed herein to the sufficiency of the libel of information by the shipper, A. Russo & Co., and the question having been submitted upon written statements of counsel and duly considered;

"It is Ordered that said exception be and the same is hereby overruled."

On April 10, 1954, A. Russo & Co. having disclaimed any title or interest in the macaroni and egg noodles since their shipment in interstate commerce and no claimants having appeared for any of the products, judgment of condemnation was entered. The court ordered that the products be delivered to a charitable or public institution, for use as animal feed.

21465. Adulteration of semolina. U. S. v. 75 Bags * * *. (F. D. C. No. 36313. Sample No. 65541-L.)

LIBEL FILED: February 5, 1954, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 8, 1953, from Faribault, Minn.

PRODUCT: 75 100-pound bags of semolina at Davenport, Iowa.

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. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 6, 1954. The Crescent Macaroni & Cracker Co., Davenport, Iowa, 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 brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product was segregated, with the result that 167 pounds were found unfit and were destroyed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

21466. Adulteration of rice. U. S. v. 200 Bags, etc. (F. D. C. No. 36417. Sample Nos. 60153-L to 60158-L, incl.)

LIBEL FILED: March 12, 1954, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about October 29 and December 28, 1953, and January 14, 15, 21, and 29, 1954, from Rayne, La., and De Witt and Newport, Ark.

PRODUCT: 862 25-pound bags, 15 100-pound bags, and 36 10-pound bags of rice at Conway, S. C., in possession of the Carolina Wholesale Co.

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: May 26, 1954. The Carolina Wholesale Co., claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond for conversion into animal feed of the portion found to be unfit. 202 bags of the product were found unfit and were denatured for use as animal feed.

*See also No. 21464.