

DISPOSITION: October 1, 1954. Default decree of condemnation and destruction.

21709. Adulteration of flour. U. S. v. 2 Barrels * * *. (F. D. C. No. 36954. Sample No. 72825-L.)

LABEL FILED: September 13, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 13, 1954, from Chicago, Ill.

PRODUCT: 2 barrels, each containing 250 pounds, of flour at St. Louis, Mo.

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

DISPOSITION: October 12, 1954. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

21710. Adulteration of macaroni and spaghetti. U. S. v. S. D. Giacomo Co. and Pete Giacomo. Pleas of not guilty. Tried to the court. Verdict of guilty. Company fined \$200 and individual defendant fined \$100. (F. D. C. No. 36659. Sample Nos. 15638-L, 15639-L.)

INFORMATION FILED: January 17, 1955, Northern District of Oklahoma, against the S. D. Giacomo Co., a partnership, Sapulpa, Okla., and Pete Giacomo, a partner in the partnership.

ALLEGED VIOLATION: Between the approximate dates of September 24, 1952, and February 16, 1954, while a quantity of macaroni and spaghetti was being held for sale after shipment in interstate commerce, the defendants caused the products to be placed in a building that was accessible to rodents and caused the products to be exposed to contamination by rodents, which acts resulted in the products being adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent excreta; and, Section 402 (a) (4), the articles were held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: The defendants having entered pleas of not guilty, the case came on for trial before the court without a jury on March 3, 1955. The trial was concluded on the same day, with the return of a verdict of guilty and the imposition of a fine of \$200 against the company and \$100 against the individual defendant.

21711. Adulteration of egg noodles. U. S. v. Daniel W. Mikesell, Inc., and Ralph L. Lyon. Pleas of guilty. Fine of \$300 against corporation and \$100 against individual. (F. D. C. No. 36618. Sample Nos. 70773-L, 70774-L, 70778-L, 70779-L.)

INFORMATION FILED: On or about November 3, 1954, Southern District of Ohio, against Daniel W. Mikesell, Inc., doing business at Dayton, Ohio, and Indianapolis, Ind., and against Ralph L. Lyon, manager of the corporation's Indianapolis plant.

ALLEGED SHIPMENT: Between the approximate dates of October 9 and 16, 1953, from the State of Indiana into the State of Ohio.

LABEL, IN PART: (Bag) "Mike-sell's Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs, rodent hair fragments, and insect fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 8, 1955. The defendants having entered pleas of guilty, the court fined the corporation \$300 and the individual \$100.

MISCELLANEOUS CEREALS

21712. Adulteration of barley. U. S. v. 71,200 Pounds * * *. (F. D. C. No. 36905. Sample No. 76312-L.)

LIBEL FILED: July 26, 1954, Western District of Washington.

ALLEGED SHIPMENT: On or about June 28, 1954, by Pendleton Grain Growers, Inc., from Pendleton, Oreg.

PRODUCT: 71,200 pounds of barley in 1 railroad car at Vancouver, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: August 9, 1954. Pendleton Grain Growers, Inc., 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 for decharacterizing for use as seed, under the supervision of the Department of Health, Education, and Welfare.

21713. Adulteration of unpopped popcorn. U. S. v. 150 Bags * * *. (F. D. C. No. 36896. Sample No. 60110-L.)

LIBEL FILED: July 14, 1954, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 15 and 28, 1954, by the Northwest Popcorn & Seed Co., from Delaware, Ohio.

PRODUCT: 150 bags of unpopped popcorn at Atlanta, Ga.

LABEL, IN PART: (Bag) "Supreme 100 Lbs. Net Manley's Best * * * Jumbo Pop Corn Finest Selected Sealed in Quality."

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 excreta and rodent-gnawed kernels; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 7, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

21714. Adulteration of rice. U. S. v. 20 Bags, etc. (F. D. C. No. 37071. Sample Nos. 82621-L to 82625-L, incl.)

LIBEL FILED: August 26, 1954, Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of October 5, 1953, and June 3, 1954, from Jonesboro and Stuttgart, Ark., and Houston, Tex.

PRODUCT: 25 25-pound bags and 74 100-pound bags of rice at Rochester, N. Y.