

yolk, the minimum permitted by the definition and standard of identity for noodles.

**DISPOSITION:** The American Beauty Macaroni Co., claimant, filed an answer in each case, denying that the article was adulterated or misbranded as alleged. Pursuant to a stipulation entered into between counsel for the claimant and the United States attorneys, an order was entered on 11-14-52 transferring the case brought in the Eastern District of Michigan to the Southern District of Illinois for the purpose of consolidation with the Illinois case. Thereafter, interrogatories served upon the claimant by the Government were answered.

The claimant having consented, the court entered an order on 10-30-53 condemning the article and ordering that it be delivered to charitable institutions. It was found that since the 136-case lot, which had been in the possession of the marshal after seizure, had been inadvertently destroyed, the decree was amended on 3-10-54 to delete the order of delivery for that lot.

### MISCELLANEOUS CEREALS

**23410. Unpopped popcorn.** (F. D. C. No. 39300. S. No. 35-177 M.)

**QUANTITY:** 28 cases, 24 1-lb. bags each, at Somerset, Ky.

**SHIPPED:** 9-1-55, from Muncie, Ind.

**LIBELED:** 7-13-56, E. Dist. Ky.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 9-14-56. Default—sold for conversion to animal feed.

**23411. Wheat.** (F. D. C. No. 39179. S. No. 40-999 M.)

**QUANTITY:** 93,600 lbs. at Minneapolis, Minn.

**SHIPPED:** 7-13-56, from Regan, N. Dak., by Regan Farmers Union Co-Op.

**LIBELED:** 8-1-56, Dist. Minn.

**CHARGE:** 402 (a) (3)—contained rodent excreta when shipped.

**DISPOSITION:** 8-16-56. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 8,050 lbs. to be disposed of for use as animal feed.

### CONFECTIONERY

**23412. Candy.** (Inj. No. 9.)

**COMPLAINT FOR INJUNCTION FILED:** 2-25-41, against Mrs. I. G. Edwards, t/a Sunshine Peanut Butter Co., Atlanta, Ga.

**CHARGE:** The complaint alleged that the defendant had been manufacturing, packing, and shipping candy under insanitary conditions whereby the candy may have become contaminated with filth; that such food consisted in whole or in part of a filthy, putrid, and decomposed substance which was unfit for food and adulterated within the meaning of 402 (a) (3) and (4); and that such food was being offered for interstate shipment at various intervals and was being shipped in interstate commerce.

The complaint alleged further that various inspections made by Food and Drug inspectors revealed the existence of insanitary conditions and that the defendant was warned to remedy the defects existing in her method of operation and not to ship adulterated candy in interstate commerce in violation of the Federal Food, Drug, and Cosmetic Act; that despite such warnings, the defendant had failed to remedy such defects and was continuously manu-

facturing and packing adulterated candy; and that the defendant would continue to ship such food in interstate commerce unless restrained by the court.

**DISPOSITION:** On 3-1-41, the court, with the consent of the defendant, entered an order restraining the defendant from introducing or delivering for introduction into interstate commerce candy or any other food adulterated within the meaning of 402 (a) (3) and (4) during the pendency of the action.

Subsequent investigation having revealed that the defendant had moved to a new plant which was being operated under satisfactory sanitary conditions, the court entered an order on 8-24-42 dismissing the action.

**23413. Candy and confectionery. (Inj. No. 26.)**

**COMPLAINT FOR INJUNCTION FILED:** 7-20-42, W. Dist. Wash., against Joseph Vinikow, t/a Parisian Candy Co., Seattle, Wash.

**CHARGE:** The complaint alleged that the defendant had been and was engaged in the business of manufacturing and shipping candy and confectionery; that the raw materials from which such products were manufactured were continually exposed to dust, dirt, and filth, and were stored in a rodent-infested warehouse; and that the defendant had shipped, was shipping, and would, unless restrained, continue to ship in interstate commerce candy, confectionery, and food adulterated within the meaning of 402 (a) (3) and (4), in that such products consisted in part of a filthy substance and had been prepared and packed under insanitary conditions.

**DISPOSITION:** On 7-29-42, the court issued a restraining order enjoining the defendant during the pendency of the action from directly or indirectly introducing or delivering for introduction into interstate commerce, or in any manner aiding or assisting in the introduction or delivery for introduction into interstate commerce, any adulterated candy, confectionery, or food. This restraining order was dismissed by the court on or about 12-6-43.

## DAIRY PRODUCTS

### BUTTER, CHEESE, AND MILK PRODUCTS

**23414. Butter and cheese products. (Inj. No. 129.)**

**COMPLAINT FOR INJUNCTION FILED:** 3-13-46, W. Dist. Ky., (against Kingan & Co., Inc., Louisville, Ky., Marion Creameries, Inc., Lebanon, Ky., and the officials of the latter corporation, namely, Charles R. Munns, vice president, Frank C. Gunn, treasurer, and Wilbur E. Long, plant manager.

**NATURE OF BUSINESS:** The complaint alleged that Kingan & Co., Inc., in addition to other activities, was engaged in distributing butter and cheese, much of which was shipped in interstate commerce; that prior to 7-29-45, this corporation owned a plant at Lebanon, Ky., which was operated by another firm under contract; that title to the plant was transferred by Kingan & Co., Inc., to Marion Creameries, Inc., on 7-29-45; that the plant had been operated by Marion Creameries, Inc., since 8-7-45; and that Kingan & Co., Inc., still continued to take the entire output of the plant, namely, butter and cheese products, and to ship these articles from the plant under its own name as consignor.

**CHARGE:** The complaint charged that the defendants had been and still were introducing into interstate commerce butter and cheese products which were adulterated within the meaning of 402 (a) (3) and (4) by reason of the