

prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 6-8-62. Consent—delivered to a charitable institution.

28104. Frozen cherry turnovers and frozen apple turnovers. (F.D.C. No. 46161. S. Nos. 80-349/50 R.)

QUANTITY: 9 cases, 12 pkgs. each of cherry turnovers, and 8 cases, 12 pkgs. each of apple turnovers, at Oklahoma City, Okla.

SHIPPED: 6-16-61, from Dallas, Tex., by Frozen-Rite Products, Inc.

LABEL IN PART: (Pkg.) "FROZEN-RITE 4 APPLE [or "CHERRY"] TURNOVERS * * * Net Wt. 12 ozs. Frozen-Rite Products Inc., Dallas, Texas."

RESULTS OF INVESTIGATION: The mandatory label information appeared near the edge of the package cover in small type on a noncontrasting background and was almost entirely covered by the folded over metal portion of the cover.

LIBELED: 8-3-61, W. Dist. Okla.

CHARGE: 403(f)—when shipped, the information required by 403(e) and (i) (2) to appear on the label, namely, the firm name and address, quantity of contents statement and declaration of ingredients, was not prominently placed on the article with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: Frozen-Rite Products, Inc., claimant, filed a motion to dismiss on the ground that Section 403(f) was unconstitutional because of vagueness and indefiniteness. On 2-15-62, after considering the briefs and arguments of counsel, the court found that such section was not unconstitutional, overruled the motion, and entered a decree providing for condemnation of the article and its delivery to a charitable institution.

28105. Cara-Ry wafers. (F.D.C. No. 47548. S. No. 61-801 T.)

QUANTITY: 198 cases, 12 pkgs. each, at Cambridge, Mass.

SHIPPED: 3-24-62, from Duluth, Minn., by Zinsmaster Hol-Ry Co., Inc.

LABEL IN PART: (Pkg.) "Master Cara-Ry Wafer A Crisp Rye Wafer * * * Net Wt. 7 Ozs. * * * Zinsmaster Hol-Ry Company, Minneapolis, St. Paul, Duluth, Minn."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-16-62, Dist. Mass.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-28-62. Default—delivered to a public or charitable institution.

28106. Hol-Ry wafers. (F.D.C. No. 47571. S. Nos. 8-857 T, 61-802 T, 61-805 T.)

QUANTITY: 72 cases, 12 pkgs. each, at Cambridge, Mass.

SHIPPED: 3-22-62, from Duluth, Minn., by Zinsmaster Hol-Ry Co.

LABEL IN PART: (Case) "Master Hol-Ry Wafers 12-7 Oz."; (pkg.) "Master Hol-Ry A Crisp Rye Wafer * * * Net Wt. 7 Oz, * * * Zinsmaster Hol-Ry Company Minneapolis St. Paul Duluth Minn."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-30-62, Dist. Mass.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 6-4-62. Default—delivered to a public or charitable institution.

28107. Vanilla wafers. (F.D.C. No. 45246. S. Nos. 2-171 R, 2-271 R, 3-088 R, 16-869 R.)

INFORMATION FILED: 5-11-61, W. Dist. N.C., against Russell Corp., Charlotte, N.C., and Floyd A. Russell, Jr., vice-president and manager.

ALLEGED VIOLATIONS: On 3-1-60, the defendants caused to be given to a firm engaged in the business of shipping bakery products in interstate commerce, a guaranty to the effect that products shipped by the defendants to such firm under the guaranty would not be adulterated. Between 3-9-60 and 3-21-60, the defendants caused to be shipped and delivered to the holder of the guaranty at Charlotte, N.C., quantities of vanilla wafers which were adulterated. In addition, on 8-15-60 and 8-24-60, the defendants caused quantities of vanilla wafers which were adulterated to be shipped to Columbia, S.C., and Maryville, Tenn.

CHARGE: 402(a) (3)—contained insect parts, insect larva, and rodent hair fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-13-61. \$500 fine; prayer for judgment continued for one year.

FLOUR

28108. Flour. (F.D.C. No. 44824. S. Nos. 19-623 R, 20-078 R.)

QUANTITY: 525 100-lb. bags at Saginaw, Mich., in possession of Grand Trunk Railway.

SHIPPED: 9-26-60, from Chicago, Ill.

RESULTS OF INVESTIGATION: Examination showed that the flour was held in a mice-infested railroad car.

LIBELED: 10-19-60, E. Dist. Mich.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 11-15-60. Consent—claimed by Grand Trunk Western Railroad Co. Segregated; 203 bags denatured for use as animal feed.

28109. Flour. (F.D.C. No. 45426. S. No. 32-267 R.)

QUANTITY: 400 100-lb. bags at Yauco, P.R.

SHIPPED: 11-5-60, from Indianapolis, Ind.

LIBELED: 2-15-61, Dist. P.R.

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

DISPOSITION: 4-6-61. Consent—claimed by Borinquen Biscuit Co., Yauco, P.R., and converted into animal feed.

28110. Flour. (F.D.C. No. 46835. S. No. 19-427 T.)

QUANTITY: 52 25-lb. bags at Athens, Tex., in possession of Robbins Bros. Wholesale Grocery Co., Inc.