

properties as the Secretary had determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

BEVERAGES AND BEVERAGE MATERIALS

28501. Beer. (F.D.C. No. 47572. S. No. 41-400 T.)

QUANTITY: 75 cases, each containing 24 btls., at Newark, N.J.

SHIPPED: 4-11-62, from Brooklyn, N.Y., by Joseph Schlitz Brewing Co., Inc.

LABEL IN PART: (Btl.) "Schlitz The Beer that made Milwaukee Famous Contents 12 Fluid Ounces * * * Brewed and Bottled at Brooklyn, N.Y. * * * By Jos. Schlitz Brewing Company, Inc."

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

LIBELED: 5-7-62, Dist. N.J.

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

DISPOSITION: 10-1-62. Default—delivered to charitable institutions.

28502. Pepsi-Cola. (F.D.C. No. 45577. S. Nos. 54-950 R, 54-952 R, 54-959 R.)

INFORMATION FILED: 6-15-62, E. Dist. Mo., against Pepsi-Cola Bottlers of St. Louis, Inc., St. Louis, Mo., Reginald H. Coe, president, and Melvon M. Millsap, superintendent.

SHIPPED: Between 11-28-60 and 12-9-60, from St. Louis, Mo., to Madison, East St. Louis, and Columbia, Ill.

LABEL IN PART: (Btl.) "BOTTLED UNDER AUTHORITY OF PEPSI-COLA COMPANY BY PEPSI-COLA BOTTLERS OF ST. LOUIS, INC. PEPSI COLA 12 FL. OZ."

CHARGE: 402(a) (3)—the article contained dirt, debris, and insect fragments when shipped.

PLEA: Nolo contendere.

DISPOSITION: 8-3-62. Corporation—\$2,000 fine; individuals—\$700 fine each.

28503. Tea. (F.D.C. No. 47191. S. No. 54-532 T.)

QUANTITY: 176 ctns., each containing 48 boxes, at Augusta, Ga.

SHIPPED: 1-4-62, from Suffolk, Va., by Thomas J. Lipton, Inc.

LABEL IN PART: (Box) "Lipton Tea * * * 1 $\frac{3}{8}$ Ounces Net Wt. Orange Pekoe And Pekoe Black Tea * * * Thomas J. Lipton, Inc. (packer), Hoboken, N.J."

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

LIBELED: 3-2-62, S. Dist. Ga.

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

DISPOSITION: On 4-23-62, Thomas J. Lipton, Inc., showed to the court that it was the owner of the article and moved that it be permitted to obtain a representative sample, a copy of the analysis on which the proceeding was based, and the identifying marks, or numbers, of the packages from which the samples analyzed were obtained. Thereafter, the information requested was supplied and, on 5-31-62, a consent order for the taking of samples by the claimant and by the Food and Drug Administration was filed. On

8-14-62, the claimant filed an answer claiming the article and denying that it was misbranded as charged.

On 11-1-62, the claimant having consented, without prejudice, solely for the purpose of avoiding the expense of litigation and otherwise contesting the claims of the Government, an order of condemnation was entered. The article was delivered to a charitable institution.

CEREALS AND CEREAL PRODUCTS

CORNMEAL*

28504. Cornmeal and shelled peanuts. (F.D.C. No. 43054. S. Nos. 21-230 P, 55-469 P.)

INFORMATION FILED: 4-15-59, E. Dist. Okla., against S. D. Giacomo & Co., a partnership, and Vito Barzellone, partner and manager, Krebs, Okla.

ALLEGED VIOLATION: Between 9-29-58 and 12-12-58, while quantities of peanuts and cornmeal were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to rodents and birds and to be exposed to contamination by rodents and birds, thereby causing the articles to become adulterated.

CHARGE: 402(a)(3)—the cornmeal contained rodent urine, rodent hairs, and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 5-26-59. Partnership—\$200 fine; individual—\$250 fine.

28505. Cornmeal. (F.D.C. No. 48114. S. Nos. 5-341/3 T.)

QUANTITY: 35 bales, each containing 10 5-lb. bags, and 50 bales, each containing 25 2-lb. bags of cornmeal; and 30 bales, each containing 25 2-lb. bags of self-rising cornmeal, at Norfolk, Va.

SHIPPED: 8-31-62, from Como, N.C., by Chowan Milling Co., Inc.

LABEL IN PART: (Bag) "Mechanically Packed and Weighed White Old Time Stone Ground Plain Corn Meal * * * Milled By Chowan Milling Co., Inc., Como, N.C." and "White Old Time Stone Ground Self-Rising Corn Meal Milled by Chowan Milling Co., Inc., Como, N.C."

LIBELED: 9-18-62, E. Dist. Va.

CHARGE: 402(a)(3)—contained whole insects (2 lots); and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-10-62. Default—delivered to a Federal institution for use as animal feed.

28506. Cornmeal. (F.D.C. No. 47982. S. No. 41-770 T.)

QUANTITY: 42 100-lb. bags at Garfield, N.J.

SHIPPED: 6-22-62 and 7-5-62, from New York, N.Y.

LIBELED: 8-21-62, Dist. N.J.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 10-11-62. Consent—destruction.

*See also Nos. 28514, 28519, 28572, 28589.