

INFORMATION FILED: 8-7-63, N. Dist. Ga., against M & S Grocery Co., a partnership, Atlanta, Ga.

ALLEGED VIOLATION: Between 3-5-62 and 11-7-62, while quantities of cake flour and cornmeal were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building that was accessible to rodents and caused the articles to be exposed to contamination by rodents, thereby causing the articles to be adulterated.

CHARGE: 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 12-19-63. \$200 fine.

29313. Potato flour. (F.D.C. No. 49510. S. Nos. 52-288/89 X.)

QUANTITY: 288 100-lb. bags at Seattle, Wash.

SHIPPED: 9-21-63, from Jerome, Idaho, by King of Spuds, Inc.

LABEL IN PART: (Bag) "Fine [or "Granular"] King of Spuds Pure Potato Flour Packed by King of Spuds, Inc. East Grand Forks, Minn."

LIBELED: 11-21-63, W. Dist. Wash.

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

DISPOSITION: 12-30-63. Default—delivered to a public institution for use as animal feed.

29314. Self-rising flour and hominy grits. (F.D.C. No. 49380. S. Nos. 64-761/64 X.)

QUANTITY: 60 10-lb. bags of all-purpose enriched plain flour; 69 25-lb. bags of presifted enriched self-rising flour; 13 25-lb. bags of self-rising bleached flour; and 80 5-lb. bags of white hominy grits; at Albany, Ga., in possession of Rio Stores, Inc.

SHIPPED: Between 7-16-63 and 8-23-63, from Minneapolis, Minn., Knoxville, Tenn., and Birmingham, Ala.

LIBELED: 10-3-63, M. Dist. Ga.

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

DISPOSITION: 12-9-63. Default—destruction.

MACARONI AND NOODLE PRODUCTS

29315. Noodle products. (Inj. No. 397.)

COMPLAINT FOR INJUNCTION FILED: 2-7-61, N. Dist. Ill., against Chicago Macaroni & Food Products Co., a corporation, Chicago, Ill., and Joseph S. Matalone, president.

CHARGE: The complaint alleged that the defendants were engaged in the business of preparing, packing, holding, and distributing macaroni, spaghetti, noodles, and similar products in interstate commerce, which products were adulterated within the meaning of 402(a)(3) in that they contained insects, insect fragments, rodent hairs, rodent urine, and rodent excreta, and within the meaning of 402(a)(4) in that they were prepared, packed, and held under insanitary conditions.

The complaint alleged also that the insanitary conditions at the defendants' plant at Chicago, Ill., resulted from and consisted of an old building of brick and wood construction in such state of repair that rodents were afforded easy access to the building; on the first floor in the northeast end of the warehouse section there were approximately 1,000 rodent excreta pellets in an area of approximately two square feet, and pellets were near a door that fitted so loosely that rodents were able to enter the building through an opening under the door; in the southwest corner of the first floor rodent pellets were noted along the inside and outside walls of the room and approximately 35 rodent pellets were noted in an area of about one square foot in the southwest corner of this room. The first floor room was used for holding noodles and macaroni products which had been dried and were waiting packaging. The products stored in this room were contained in trays with fine wire mesh bottoms and were stacked on racks. In one of the racks one rodent pellet was found in each of five empty trays, and two rodent pellets were found in one tray. Five pellets were found in one tray containing noodles and one pellet was found in another tray of noodles. All of the noodles containing rodent pellets were analyzed and found to contain rodent urine. In the west room of the fourth floor, approximately 35 rodent pellets were noted in an area of approximately one square foot. On the second floor where spaghetti was discharged from the preliminary drier, approximately 100 rodent pellets were noted in an area of one square foot. On the second floor also in a corner near the spaghetti drying rooms, a dead mouse containing maggots was found. On the third floor the edges of trays containing noodles and awaiting packaging were covered with a deposit of dust.

The complaint alleged further that the defendants were aware that their activities were in violation of the Act; that the defendants had pleaded guilty to criminal charges based on violations of the Act; and that despite this knowledge, the defendants continued to ship such adulterated foods.

DISPOSITION: On 2-8-61, a temporary order was entered restraining the defendants from introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, (1) foods such as spaghetti, macaroni, and noodles or other similar articles which were adulterated within the meaning of 402(a) (3) and (4); (2) and any such foods then held at the defendants' plant unless and until (a) the plant was thoroughly cleaned, renovated, and rendered suitable for use in the preparation, packing, and holding of foods for human consumption, unless and until all rodent and insect filth in and about the plant was eliminated, the means of ingress and egress for rodents and insects were closed, and any similar insanitary conditions which might result in the contamination of foods for human consumption while prepared, packed, or held at the plant were eliminated, and (b) all of the foods on hand at the plant were destroyed, denatured for use as animal feed or otherwise reconditioned under the supervision of the Food and Drug Administration, and (c) an inspection was made and a report made to the court, showing that the insanitary conditions no longer existed and that the foods were brought into compliance with the law.

On stipulation of the parties, the temporary order was extended until 9-15-61. On 9-7-61, the Food and Drug Administration made an inspection and the inspectors were informed that the firm no longer was manufacturing macaroni products and had sold its manufacturing equipment, that articles packed under the firm's brand name were manufactured elsewhere, that the firm had moved to a different building which was being used for the storage

of foods prior to their distribution, and that sanitary conditions were in general satisfactory. Consequently, on 9-27-61, the temporary order was vacated and the case was dismissed.

29316. Noodle products. (F.D.C. No. 48538. S. Nos. 71-134/5 T.)

INDICTMENT RETURNED: 6-11-63, E. Dist. Okla., against Lee Boerstler and C. Ross Boerstler, Henryetta, Okla.

ALLEGED VIOLATION: Between 3-1-62 and 8-31-62, while quantities of macaroni and egg noodles 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 insects and caused the articles to be exposed to contamination by insects, thereby causing the food to become adulterated.

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

PLEA: Guilty.

DISPOSITION: 8-12-63. \$1,000 fine against each defendant.

29317. Frozen noodles. (F.D.C. No. 49340. S. No. 28-474 X.)

QUANTITY: 1,383 cases, each containing 12 8-oz. pkgs., at Kansas City, Kans.

SHIPPED: 7-29-63, from Clive, Iowa, by Reames Home Style Frozen Foods.

LABEL IN PART: (Pkg.) "Reames Home Style Frozen Egg Noodles * * * Four Servings * * * Reames Frozen Foods Clive, Iowa."

LIBELED: 9-18-63, Dist. Kans.

CHARGE: 402(a)(3)—contained *E. coli*, coagulase positive staphylococci, and a high coliform count; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-13-63. Default—destruction.

29318. Noodles, macaroni and spaghetti. (F.D.C. No. 49337. S. Nos. 31-426/33 X, 31-435 X.)

QUANTITY: 5 20-lb. cases of shell macaroni; 6 10-lb. cases home style macaroni; 7 20-lb. cases of cut macaroni; 3 10-lb. cases of egg noodles; 2 15-lb. cases of elbow macaroni; 6 10-lb. cases of egg dumplings; 3 10-lb. cases of lasagne; 32 10-lb. cases of medium egg noodles; and 15 10-lb. cases of wide egg noodles; at Phoenix, Ariz.

SHIPPED: Between 12-6-62 and 8-14-63, from Lincoln, Nebr.

LIBELED: 9-12-63, Dist. Ariz.

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

DISPOSITION: 10-31-63. Default—destruction.

29319. Macaroni products. (F.D.C. No. 49306. S. Nos. 22-517/22 X.)

QUANTITY: 14 20-lb. ctns. of spaghettini and 57 20-lb. ctns. of linguine, at Denver, Colo.

SHIPPED: Between 7-1-63 and 8-9-63, from St. Louis, Mo., by Ravarino & Freschi, Inc.

LABEL IN PART: (Ctn.) "R-F * * * La Terinese Enriched Spaghettini * * * Ravarino & Freschi, Inc. St. Louis, Mo.," and "R-F * * * La Terinese Enriched Linguine * * * Ravarino & Freschi, Inc. St. Louis, Mo."