

Nos. 1402 to 1405, inclusive, report the seizure and disposition of flour and corn meal that had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time the products were found to be insect-infested.

1402. Adulteration of flour. U. S. v. 46 and 27 Bags of Flour. Decree of condemnation and destruction. (F. D. C. No. 2432. Sample Nos. 28088-E, 28089-E.)

On July 29, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against a total of 73 bags of flour at Roanoke Rapids, N. C., alleging that the article had been shipped in interstate commerce on or about May 21, 1940, by the Nappanee Milling Co. Inc., from Nappanee, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Peerless Bleached Self-Rising Flour," or "Happy Day Bleached Flour."

On October 15, 1940, R. E. Cleaton, Jr., trading as Roanoke Rapids Grocery Co., Roanoke Rapids, N. C., having appeared as claimant, judgment of condemnation was entered. The decree provided that the product be destroyed after 30 days but that it might be taken down under bond by the claimant within that time. Bond was not filed and the product was destroyed in accordance with said decree.

1403. Adulteration of whole wheat flour. U. S. v. 64 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured for use as feed for livestock. (F. D. C. No. 2994. Sample No. 11123-E.)

On September 17, 1940, the United States attorney for the Southern District of Texas filed a libel against 64 sacks of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about July 31, 1940, by the Ralston Purina Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Purina Whole Wheat Flour."

On October 18, 1940, the Ralston Purina Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as feed for livestock.

1404. Adulteration of corn meal and pancake flour. U. S. v. 17 and 13 Cases of Corn Meal, and 5 and 5 Cases of Pancake Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 3273, 3274. Sample Nos. 32230-E to 32283-E, incl.)

On October 24, 1940, the United States attorney for the District of Arizona filed a libel against 30 cases of corn meal and 10 cases of pancake flour at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce on or about September 22, 1939, by the Pillsbury Flour Mills Co. from Springfield, Ill.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled variously: "Pillsbury's White Corn Meal"; "Yellow Corn Meal"; "Pancake Flour"; or "Buckwheat Wheat and Corn Pancake Flour."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1405. Adulteration of corn meal. U. S. v. 81 5-pound Bags, 162 10-pound Bags, and 112 20-pound Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 3988. Sample No. 65408-E.)

On April 1, 1941, the United States attorney for the District of New Mexico filed a libel against the above-named quantities of corn meal at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce on or about July 24, 1940, by the Quaker Oats Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Aunt Jemima White Cream Corn Meal."

On April 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1406. Adulteration of corn meal. U. S. v. 712 10-pound Bags and 192 24-pound Bags of Corn Meal. Default decree of condemnation and destruction. Product ordered delivered to public institution for use as stock and hog feed. (F. D. C. No. 2704. Sample No. 27323-E.)

This product contained rodent excreta and rodent hairs.

On August 30, 1940, the United States attorney for the Southern District of West Virginia filed a libel against the above-named quantities of corn meal at Welch, W. Va., alleging that the article had been shipped in interstate com-

merce on or about July 22 and August 9, 1940, by John W. Eshelman & Sons from Circleville, Ohio; and charging that it was adulterated in that it contained rodent excreta and rodent hairs and was otherwise unfit for food. The article was labeled in part: "Eshelman's Red Rose White Corn Meal."

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution to be denatured and used as stock and hog feed.

MACARONI PRODUCTS

1407. Adulteration of egg noodles. U. S. v. 15 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3247. Sample No. 32285-E.)

This product was insect-infested.

On January 7, 1941, the United States attorney for the District of Arizona filed a libel against 15 cases of egg noodles at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about May 28 and September 7, 1940, by the Skinner Manufacturing Co. from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Skinners Home Style Pure Egg Noodles."

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1408. Adulteration and misbranding of egg noodles. U. S. v. V. Arena & Sons, Inc. Plea of nolo contendere. Judgment of guilty. Fine, \$50. (F. D. C. No. 2118. Sample Nos. 14101-E, 14108-E, 14104-E, 77662-D to 77666-D, incl., 77668-D.)

This product contained artificial color which made it simulate the appearance of a product containing a larger proportion of egg than was actually present.

On October 2, 1940, the United States attorney for the Eastern District of Pennsylvania filed an information against V. Arena & Sons, Inc., Norristown, Pa., alleging shipment within the period from on or about October 9, 1939, to on or about February 19, 1940, from the State of Pennsylvania into the State of New Jersey of quantities of egg noodles that were adulterated and misbranded. The article was labeled in part: "Conte Luna Pure Egg Noodles."

The article was alleged to be adulterated in that an artificially colored product had been substituted wholly or in part for pure egg noodles, which it purported to be; and that artificial color had been added thereto and had been mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statements "Pure Egg Noodles * * * Made from Semolina and Egg Yolks" in the labeling of a portion of the article, and the statement "Pure Egg Noodles" in the labeling of the remainder, were false and misleading in that they represented that it consisted of pure egg noodles and that a portion had been made solely from semolina and egg yolks; whereas it did not so consist, but did consist of a substance containing added artificial color which artificial color created the impression that the article contained a larger proportion of egg than was actually present.

On January 17, 1941, a plea of nolo contendere was entered on behalf of the defendant, and the court having found the defendant guilty, imposed a fine of \$50.

1409. Adulteration of macaroni and egg noodles. U. S. v. 21 Cases of Macaroni and 5 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3285. Sample Nos. 32288-E, 32290-E.)

These products were insect-infested. ←

On October 28, 1940, the United States attorney for the District of Arizona filed a libel against 21 cases of macaroni and 5 cases of egg noodles at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce on or about March 21 and 27, 1940, by the National Food Products Co. from New Orleans, La.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Luxury Brand Macaroni," or "Luxury Brand Plain Noodles."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.