

not to ship adulterated products in violation of the law; and that, despite such warnings, the defendant, its employees, and agents failed to remedy the defects existing in its plant and was continuously manufacturing, milling, and packing adulterated flour and would continue to ship such flour in interstate commerce unless enjoined therefrom. The complaint alleged further that one purpose of the law, i. e., that of prohibiting the movement in interstate commerce of adulterated and misbranded food, would be frustrated unless an injunction was issued and prayed that after proper notice and hearing, a preliminary injunction issue and that after due proceedings, such preliminary injunction be made permanent.

On July 9, 1942, the defendant having consented to the entry of a decree, judgment was entered perpetually enjoining and restraining the defendant and all persons acting upon its behalf from introducing or delivering for introduction in interstate commerce adulterated flour which had been manufactured by or in the future would be manufactured by the defendant.

3652. Adulteration of rye graham flour. U. S. v. 52 Bags of Flour (and 3 additional seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 7406, 7407, 7789, 7790. Sample Nos. 89190-E, 89191-E, 89654-E, 89655-E.)

This product contained rodent excreta, rodent hairs, and insect fragments.

On April 28 and June 19 and 22, 1942, the United States attorneys for the Eastern and Southern Districts of New York filed libels against 186 bags of flour at New York and 10 bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about March 12 to on or about June 9, 1942, by Gross Bros., Inc., from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 21, July 7, and August 19, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3653. Adulteration of gluten flour. U. S. v. 25 Bags of Gluten Flour. Default decree of condemnation and destruction. (F. D. C. No. 7443. Sample No. 84377-E.)

Samples of this product were found to contain rodent hairs.

On May 1, 1942, the United States attorney for the District of New Jersey filed a libel against 25 bags of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 31, 1942, from Watertown, N. Y., by Farwell & Rhines Co., Inc.; 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: "Genuine Gluten Flour Criss-Cross Brand."

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3654. Adulteration of flour. U. S. v. 86 Bags and 48 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 6063, 6064. Sample Nos. 59687-E, 59689-E.)

This product had been stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents and contained rodent urine stains.

On or about October 27, 1941, the United States attorney for the Western District of Virginia filed a libel against 86 12-pound bags and 48 24-pound bags of flour at Grundy, Va., alleging that the article had been shipped in interstate commerce on or about April 8 and August 26, 1941, from St. Joseph, Mo., and Lawrenceburg, Ind., that it was in the warehouse of the Haysi Supply Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Red Top [or "Ruby Rose"] Flour Bleached."

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3655. Adulteration of rye graham flour. U. S. v. 20 Bags and 90 Bags of Rye Graham Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 6040, 6041. Sample Nos. 74524-E, 74526-E.)

These products were contaminated with insect fragments and rodent hairs and excreta.

On October 21, 1941, the United States attorney for the Southern District of New York filed libels against 110 98-pound bags of rye graham flour at New

York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 12 and 24, 1941, by A. Katz, Etra Mills from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 14, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3656. Adulteration of flour. U. S. v. 26 Bags of Flour. Consent decree ordering product released under bond to be denatured. (F. D. C. No. 5789. Sample No. 57860-E.)

On or about September 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 26 bags of flour at Olean, Mo., alleging that the article had been shipped in interstate commerce on or about July 21 and August 28, 1941, by the Russell Milling Co. from Russell, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 17, 1942, the Olean Milling Co., Olean, Mo., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for denaturing under the supervision of the Food and Drug Administration and that it be disposed of for purposes other than human consumption.

3657. Adulteration of flour. U. S. v. 22 Bags of Pastry Flour. Consent decree of condemnation. Product ordered released under bond for disposal in industrial use. (F. D. C. No. 6979. Sample No. 84560-E.)

This product had been stored by the consignee under insanitary conditions. Every bag was rodent-gnawed in two or more places; rodent pellets and rodent urine were observed on some of the bags.

On or about March 5, 1942, the United States attorney for the District of Connecticut filed a libel against 22 98-pound bags of pastry flour at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about October 7 and November 19, 1941, by Sands, Taylor & Wood Co. from Boston, Mass.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On April 22, 1942, Henry Bresky & Sons, Bridgeport, Conn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of to a foundry for industrial use.

3658. Adulteration of flour. U. S. v. 67 Bags and 28 Bags of Flour. Product ordered released under bond for denaturing. (F. D. C. No. 5787. Sample No. 57858-E.)

On or about September 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 95 bags of flour at Olean, Mo., alleging that the article had been shipped in interstate commerce on or about November 15, 1940 and May 6, 1941, by Security Flour Mills Co. from Abilene, Kans.; 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 "24 Lbs. * * * Havasak Flour * * * Bleached."

On March 23, 1942, the Olean Milling Co., Olean, Mo., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be denatured under the supervision of the Food and Drug Administration.

3659. Adulteration of cake flour. U. S. v. 42 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 7411. Sample No. 71427-E.)

This product had been held under insanitary conditions after receipt in interstate commerce, and, when examined, many of the bags had been contaminated with rodent excreta.

On April 28, 1942, the United States attorney for the Southern District of Illinois filed a libel against 42 sacks of flour at Peoria, Ill., alleging that the article was in possession of Thomas & Clarke, that it had been shipped in interstate commerce, from Grand Rapids, Mich., on or about March 24, 1942; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Tags) "98 lbs. net Perfection Cake Flour."

On July 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.