

tins at Philadelphia, Pa., and 234 boxes at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about October 6 to on or about November 19, 1942, by Fashion Bakers from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: "Charlevoix Assortment * * * 2 Lbs. Nt Wt.," or "Fashion Bakers French Assorted Cookies * * * 12 Oz. Net [or, "2½ Lbs. Nt. Wt.]."

The article was alleged to be misbranded (1) in that the statements "12 Oz. Net," "2½ Lbs. Nt Wt.," and "2 Lbs. Nt Wt." were false and misleading as applied to an article that was short weight; and (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. Two of the lots were alleged to be misbranded further in that their containers were so filled as to be misleading since they could have, and to be full weight should have, contained more cookies.

Between December 18, 1942, and March 19, 1943, no claimant having appeared, judgments of condemnation were entered. The portion of the product located at Atlanta, Ga., was ordered sold to the highest bidder, and the lots located at Philadelphia, Pa., and Bridgeport, Conn., were ordered delivered to charitable institutions.

MISCELLANEOUS CEREAL PRODUCTS

4309. Adulteration of barley. U. S. v. 60 Sacks of Barley. Default decree of condemnation. Product ordered sold. (F. D. C. No. 8907. Sample No. 5642-F.)

This product contained beetles, larvae, cast skins, and insect fragments.

On November 21, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 60 100-pound sacks of barley at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 3, 1941, by the Quaker Oats Co. from Cedar Rapids, Iowa; 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) "Spec. Chester Barley."

On December 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder on condition that it should not be disposed of in violation of law. It was ground into animal feed.

4310. Adulteration of gelatinized corn and rice flour. U. S. v. 9 Bags of Dusting Gelatinous No. 146 Compound and 8 Bags of No. 146 Griffith's Gelatinized Compound. Default decree of condemnation and destruction. (F. D. C. No. 8702. Sample Nos. 4675-F, 4676-F.)

Samples of this product were found to contain insect fragments, larvae, and beetles.

On November 4, 1942, the United States attorney for the Northern District of Ohio filed a libel against 17 bags of the above-described product, at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 24 and October 9, 1942, by Griffith Laboratories, Inc., from Chicago, Ill.; 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: "Gelatinous Processed From Select [or "Selected"] Maize and Rice."

On December 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4311. Adulteration of rice flour. U. S. v. 20 Bags of Rice Flour. Default decree of condemnation and destruction. (F. D. C. No. 8315. Sample No. 18006-F.)

This product contained beetles, larvae, and larva casts.

On September 4, 1942, the United States attorney for the District of New Jersey filed a libel against 20 100-pound bags of rice flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 30 and August 21, 1942, by Stein, Hall & Co., Inc., from New York, N. Y.; 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: "Hallmark Rice Flour."

On November 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4312. Adulteration of rye flour, rye-wheat flour, and rye meal. U. S. v. 118 Bags of Flour and Meal. Consent decree of condemnation. Products ordered released under bond for reconditioning. (F. D. C. No. 8558. Sample Nos. 21535-F to 21539-F, incl.)

The rye meal contained weevils, and the flour contained weevils and larvae.

On October 9, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 118 bags of flour and meal at Pittsburgh, Pa.,

alleging that the articles had been shipped in interstate commerce on or about February 24 and July 14, 1942, from Janesville, Wis., by Frank H. Blodgett, 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: "Pure Rock River Rye Meal," "Bismarck Wisconsin Rye-Wheat Jesse C. Stewart Co. Distributors, Penn.," "Wisconsin Bleached Pure Rye," or "Pure Patent Wiscogett White Rye Flour Bleached."

On November 9, 1942, Jesse C. Stewart Co., Pittsburgh, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for reconditioning and salvage. The products were mixed with other feeds and disposed of as feed for animals.

4313. Adulteration of soybean flour. U. S. v. 44 Sacks of Kellogg's Soyflake Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal feed. (F. D. C. No. 8503. Sample No. 5632-F.)

This product contained beetles, moths, larvae, and insect fragments.

On October 3, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 44 100-pound sacks of flour at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 26 and September 24, 1941, by Spencer Kellogg & Sons, Inc., from Decatur, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 7, 1942, E. Guckenheim Bakers' Supply Co. of St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration, for use as animal feed.

4314. Adulteration and misbranding of macaroni. U. S. v. 32 Packages and 6½ Cartons of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 8456. Sample Nos. 17334-F, 17335-F.)

On September 30, 1942, the United States attorney for the District of New Jersey filed a libel against 32 packages and 6½ cartons, each containing 20 packages, of macaroni at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about July 9, 1942, by Vittoria Macaroni Co. from Maspeth, Long Island, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Package) "Vittoria Fusilli Col-Buco * * * Macaroni," (stickers) "Egg-Principessa," or "Egg-Fusillini."

The article was alleged to be adulterated (1) in that it consisted in whole or in part of a filthy substance, insect fragments; (2) in that a valuable constituent, egg, had been in whole or in part omitted therefrom; (3) in that artificially colored alimentary paste, deficient in egg solids, had been substituted in whole or in part for egg alimentary paste which it purported to be; (4) in that inferiority had been concealed by the addition of artificial color; (5) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (6) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

The article was alleged to be misbranded in that the names "Egg-Principessa," and "Egg Fusillini," were false and misleading as applied to alimentary paste deficient in egg solids and artificially colored.

On December 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4315. Adulteration of egg noodles. U. S. v. 242 Cases and 366 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 8657. Sample Nos. 24471-F, 24472-F.)

This product contained beetles and larvae.

On October 28, 1942, the United States attorney for the District of Maryland filed a libel against 242 cases, each containing 24 8-ounce cellophane bags, and 366 cases, each containing 12 1-pound cellophane bags, of egg noodles at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about March 31, 1941, to on or about March 9, 1942, by the Vimco Macaroni Products Co. from Carnegie, Pa.; 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: "Fairdale Pure Egg Noodles. Manufactured By S. Viviano Macaroni Mfg. Co. Carnegie, Pa."