

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4501-4700

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., September 9, 1943.

CONTENTS

	Page		Page
Cereals and cereal products.....	1	Fruits and vegetables.....	32
Flour and corn meal.....	1	Fresh and frozen fruit.....	32
Bakery products.....	6	Canned fruit.....	34
Miscellaneous cereal products.....	10	Canned vegetables.....	36
Candy and sugar.....	13	Tomatoes and tomato products.....	38
Dairy products.....	16	Dried fruits.....	41
Butter.....	16	Miscellaneous fruit products.....	44
Cheese.....	21	Nuts and nut products.....	48
Miscellaneous dairy products.....	25	Miscellaneous food products.....	53
Eggs.....	26	Index.....	55
Fish and shellfish.....	28		

CEREALS AND CEREAL PRODUCTS

FLOUR AND CORN MEAL

Nos. 4501 to 4523 report legal actions involving flour and corn meal. Samples examined were found to contain one or more kinds of filth such as rodent pellets, rodent hairs, insect fragments, insect excreta, beetles, weevils, larvae, or other filth.

4501. Adulteration of flour. U. S. v. 137 Bags of Flour. Consent decree of condemnation. Product released under bond for reconditioning. (F. D. C. No. 9769. Sample Nos. 13292-F to 13294-F, incl.)

This product had been stored under insanitary conditions after shipment; when examined, rodent pellets were found and there were many stained and chewed bags. Portions of the product contained masses of webbing and insect excreta, rodent pellets, and rodent hairs, and were badly caked and had a musty or moldy odor. One lot contained mouse pellets, and one lot contained rat and mouse pellets, larvae, and webbing.

On April 10, 1943, the United States attorney for the Western District of Washington filed a libel against 137 98-pound bags of flour at Seattle, Wash., in the possession of Brenner's Bakery, alleging that the article had been shipped in interstate commerce within the period from on or about June 3 to December 26, 1942, from Hastings and Minneapolis, Minn., and Billings, Mont.; 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: "Rye Flour Ambarchik," "Russell-Miller Milling Co., Ajax Flour Bleached," or Pillsbury's Artex Dark Rye Flour."

On June 8, 1943, A. Brenner, having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4502. Adulteration of flour. U. S. v. 173 Sacks of Flour. Decree of condemnation. Product ordered released under bond for denaturing for use as animal feed. (F. D. C. No. 8445. Sample Nos. 9433-F to 9435-F, incl.)

This product had been stored under insanitary conditions after shipment in interstate commerce.

On or about October 6, 1942, the United States attorney for the Southern District of Mississippi filed a libel against 173 98-pound bags of flour at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about May 5 and July 25, 1942, by the Pillsbury Flour Mills Co., from Memphis, Tenn.; 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: "Pillsbury's XXXX Patent Flour," "Pillsbury's Panking XXXX Flour Bleached," or "Pillsbury's Extra Fancy Sno Sheen Cake Flour Bleached."

On November 12, 1942, the Pillsbury Flour Mills Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration, and disposed of as animal feed.

4503. Adulteration of flour. U. S. v. 116 Bags of Flour. Decree of condemnation. Product ordered released under bond for denaturing. (F. D. C. No. 9193. Sample No. 10409-F.)

On January 15, 1943, the United States attorney for the Northern District of California filed a libel against 116 98-pound bags of flour in possession of the Globe Mills, San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 2 and 12, 1942, from Astoria, Oreg.; 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: (Bag) "Globe 'A1' Strong Whole Wheat Flour."

On February 6, 1943, the Pillsbury Flour Mills Co., Astoria, Oreg., 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 denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption.

4504. Adulteration of farina. U. S. v. 19 Bags of Farina. Default decree of condemnation. Product ordered sold for purposes other than human consumption. (F. D. C. No. 8057. Sample No. 17379-F.)

On or about August 6, 1942, the United States attorney for the District of Connecticut filed a libel against 19 98-pound bags of farina in possession of Miner, Read & Tullock, New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 12 and 19, 1942, from Buffalo, N. Y.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Gold Medal Flour * * * Farina Manufactured by General Mills, Inc. * * * Minneapolis, Minnesota."

On December 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold for purposes other than human consumption.

4505. Adulteration of flour. U. S. v. 50 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8533. Sample Nos. 5749-F, 5750-F.)

On October 6, 1942, the United States attorney for the Western District of Arkansas filed a libel against 11 48-pound sacks and 39 24-pound sacks of flour at Fayetteville, Ark., alleging that the article was in possession of the Vita-O-Ray Milling Co., and had been shipped in interstate commerce within the period from on or about January 10 to September 3, 1942, by the Hacker Flour Mills, from Jefferson, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. One portion was alleged to be adulterated further in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Vita-O-