

4725. Adulteration of cream meal. U. S. v. 135 Bags of Cream Meal. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 8477. Sample No. 17845-F.)

On October 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 135 100-pound bags of cream meal at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by the Evans Milling Co. from Indianapolis, 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: (Bag) "Emco White Cream Meal."

On March 17, 1943, Benjamin Wilk, trading as B. Wilk & Son, Brooklyn, N. Y., claimant, 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.

4726. Adulteration of cream meal. U. S. v. 130 Sacks of Meal. Default decree of condemnation and destruction. (F. D. C. No. 8641. Sample No. 6060-F.)

On October 27, 1942, the United States attorney for the Western District of Arkansas filed a libel against 130 20-pound sacks of meal at Mena, Ark., alleging that the article had been shipped in interstate commerce on or about October 8, 1942, by the Lipscomb Grain & Seed Co., from Springfield, 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: (Sack) "Lipscomb's Sungold 'Worth Its Weight in Gold' Cream Meal Made From White Corn."

On January 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

4727. Action to enjoin and restrain interstate shipments of bakery products. U. S. v. John E. Mayer. Preliminary and permanent injunction granted. (Inj. No. 41.)

On December 1, 1942, the United States attorney for the Eastern District of Pennsylvania filed a complaint against John E. Mayer, Philadelphia, Pa., alleging that the defendant for several years past and more particularly since on or about July 6, 1940, had been introducing and causing to be introduced into interstate commerce from Philadelphia, Pa., to various other States within the United States, pies, cakes, doughnuts, sweet goods, and other bakery products, which consisted in whole or in part of filthy substances and were otherwise unfit for food and which had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth, thereby rendering the articles adulterated within the meaning of the law.

The complaint alleged further (1) that since July 6, 1940, numerous investigations and inspections by the Food and Drug Administration had disclosed the existence of insanitary conditions and the presence of filth, insects, rodents, rodent excreta, and other foreign matter, and filthy and unwholesome substances in and around the place of manufacture of the defendant, and in and around the raw materials, and adjacent to the place where the articles were packed for shipment; (2) that the defendant had been warned to remedy such defects and had been warned not to ship products which were adulterated, but despite such warnings, had failed to remedy the defects and had continued to manufacture, pack and prepare for shipment in interstate commerce filthy and adulterated food; (3) that various interstate shipments of the product manufactured by the defendant had been sampled and found to contain filth; (4) that such products were often distributed to retail stores in small quantities, making seizure and condemnations difficult and impracticable; and (5) that the seizure under civil process would necessitate legal proceedings and make criminal proceedings in many instances, and would entail a multiplicity of legal actions unjustified by the relatively small quantities involved in the individual shipments.

The complaint alleged also that the defendant unless restrained would continue shipment of adulterated products, and prayed that an order be entered directing him to show cause why he should not be enjoined and restrained during the pendency of the action and that upon hearing a preliminary injunction be granted, and for further and appropriate relief.

On December 1, 1942, an order to show cause was entered and on December 7, 1942, after hearing, a preliminary injunction was granted. On January 27, 1943, no appearance having been made on behalf of the defendant subsequent to the