

San Francisco, Calif., 39 cases of cookies at Cheyenne, Wyo., and 134 cases of cookies at Dallas, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about December 8 to 31, 1942, by the Miracle Baking Co., Inc., from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Cartons) "Miracle Ice Box Cookies * * * Net Weight 13 Oz."

It was alleged to be misbranded in that the statement "Net Weight 13 Oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On February 11 and March 9, 1943, no claimant having appeared for the lots located at San Francisco, Calif., and Dallas, Tex., judgments of condemnation were entered and the product was ordered distributed to welfare organizations. On February 20, 1942, the Miracle Baking Co. having appeared as claimant for the lot located at Cheyenne, Wyo., and having consented to the entry of a decree, judgment of condemnation was entered with provision for release of the product under bond for relabeling or repacking. On March 5, 1943, on motion of the claimant, the product was ordered delivered to a welfare organization.

MISCELLANEOUS CEREAL PRODUCTS *

4930. Adulteration of rice. U. S. v. 39 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 9427. Sample No. 10558-F.)

This product had been stored, after shipment, under insanitary conditions and was subject to rodent infestation. When sampled it was contaminated with rodent hairs and pellets, and the bags bore rodent urine stains.

On February 24, 1943, the United States attorney for the Southern District of California filed a libel against 39 100-pound bags of rice at Fresno, Calif., in the possession of Haas Bros., alleging that the article had been shipped in interstate commerce on or about September 25, 1942, from Dewitt, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Bag) "Lady Wright Long Grain * * * Smith Rice Mill Co., Dewitt, Ark."

On April 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4931. Adulteration of popcorn. U. S. v. 205 Bags of Shelled Popcorn. Default decree of condemnation. Product ordered delivered to a welfare organization for use as animal feed. (F. D. C. No. 9507. Sample No. 24834-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. Practically every bag in the pile bore evidence of rodent contamination by the presence of excreta pellets and urine stains, and a number of the bags had been gnawed by rodents. Rodent hairs were found on the popcorn in the bags.

On or about March 15, 1943, the United States attorney for the Western District of Virginia filed a libel against 205 bags of shelled popcorn in the possession of the Roanoke Public Warehouse at Roanoke, Va., alleging that the article had been shipped in interstate commerce on or about January 18, 1943, from Evansville, Ind.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization for use as animal feed, and not for human consumption.

4932. Misbranding of griddlecake mix. U. S. v. 1,559 Cases of Griddle Cake Mix. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9531. Sample Nos. 38304-F.)

On March 16, 1943, the United States attorney for the Northern District of Illinois filed a libel against 1,559 cases, each containing 12 20-ounce packages, of griddlecake mix at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 6, 1943, by the Little Crow Milling Co. from Warsaw, Ind. The article was alleged to be misbranded in that the following statements in the labeling: "Golden Soy * * * Griddle Cake Mix * * * The Soy Bean Taste Sensation * * * Protein Rich Nutrition authorities agree that *protein* is the food factor that builds strong, firm flesh. It is the principal strength-building ele-

* See also Wheat Germ, No. 5092.

ment of meat. Soy flour contains nearly *four times* the protein of wheat flour—and only *one-third* of the fat-producing carbohydrates. Golden-Soy Griddle Cake Mix is a delicious blend of Soy and wheat flours . . . rich in protein, calcium, iron and vitamins A, B, and G. * * * Rich in Vitamins A, B, AND G—ALSO CALCIUM AND IRON * * * HIGH IN MUSCLE BUILDING PROTEIN * * * LOW IN FAT-PRODUCING STARCH * * * Easy to digest . . . non-acid forming . . . *30% less starch,*” were false and misleading (1) in that the name “Golden Soy” represented and suggested that the article was essentially one made of soy beans, whereas it was essentially made of white flour; (2) in that the aforesaid statements, referring to the protein, vitamin A, vitamin B, vitamin G, calcium, and iron content of the article suggested and implied that it was nutritionally superior, in its content of such factors, to prepared pancake mixtures made with white flour and other flours, whereas it was not significantly superior with respect to such nutritional factors to other prepared pancake mixes; and (3) in that the statements relative to the low starch content represented and suggested that the article was substantially low in carbohydrates, and consequently of value in conditions indicating a low carbohydrate intake, whereas the difference between the starch and the total carbohydrate content of the article and other prepared pancake mixes was inconsequential.

It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since the declaration “A Specially Prepared Soya Product” was not the common or usual name of an ingredient of the food.

On May 21, 1943, R. H. Thomas, Jr., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

Nos. 4933 to 4938 report actions involving alimentary pastes, samples of which were found to be contaminated with one or more types of filth, such as cat hairs, rodent hairs and rodent hair fragments, insect fragments, mouse pellets, coal and dirt fragments, wood splinters, and other miscellaneous filth. In addition, a portion of the product reported in No. 4933 contained an uncertified coal-tar color.

4933. Adulteration of alimentary pastes. U. S. v. 26 Boxes of Macaroni (and 3 additional seizure actions against alimentary paste products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9313, 9327, 9352, 9360. Sample Nos. 17153-F, 17155-F, 17157-F, 17158-F, 17181-F, 17182-F.)

Between February 5 and February 13, 1943, the United States attorneys for the Eastern and Southern Districts of New York filed libels against 26 boxes of alimentary pastes at Brooklyn, N. Y., and 120 boxes of alimentary pastes at New York, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about January 18 to 27, 1943, by the Capital Macaroni Mfg. Co. from Jersey City, N. J.; and charging that they were adulterated. The articles were labeled in part: “Capital Macaroni Brand Superior Quality Made from Pure Semolina.”

All lots were alleged to be adulterated in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. Three of the lots were alleged to be adulterated further in that they consisted in whole or in part of filthy substances. Portions were alleged to be adulterated also in that they contained a coal tar color other than one from a batch which had been certified in accordance with regulations as provided by law.

Within the period from March 4 to 17, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4934. Adulteration of macaroni products. U. S. v. 8 Cartons of Macaroni Products. Default decree of condemnation and destruction. (F. D. C. No. 9480. Sample No. 44915-F.)

On March 12, 1943, the United States attorney for the District of New Jersey filed a libel against 8 cartons, each containing 20 packages, of an article labeled in part “Made From Pure No. 1 Semolina Impero Brand * * * Fusilli [or “Cavatelli,” “Mafalda,” or “Margherite”],” at Montclair, N. J., alleging that the article had been shipped in interstate commerce on or about February 15, 1943, by the Impero Fusilli Co. from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.