

about November 10, 1942, to January 8, 1943, from the State of West Virginia into the States of Kentucky and Ohio a quantity of bread that 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 may have become contaminated with filth. The article was labeled in part: "Mootz's Butereg Bread," or "Honey Crushed * * * Wheat Bread."

On May 24, 1943, the defendant having entered a plea of nolo contendere, the court placed the defendant on probation for 1 year and imposed no fine.

5118. Adulteration and misbranding of ice box cookies. U. S. v. 46 Cases, 24 Cases and 1 Case of Ice Box Cookies (and 2 other seizures of ice box cookies). Default decrees of condemnation and destruction. (F. D. C. Nos. 9240, 10446, 10757. Sample Nos. 12070-F, 12071-F, 43337-F, 43432-F, 56423-F.)

Two lots of this product were adulterated by reason of insect infestation, one of them was misbranded because of an inconspicuous declaration of weight and ingredients. The third lot was short weight. In two of the lots the product was labeled to indicate that it was a dietary food, but its label failed to bear the information regarding its vitamin and mineral properties required by the regulations.

On or about January 29, August 20, and September 18, 1943, the United States attorneys for the Western District of Washington, the District of New Jersey, and the District of Kansas filed libels against 71 cases of ice box cookies at Seattle, Wash., 55 cartons of the product at Newark, N. J., and 371 cartons at Kansas City, Kans., alleging that the article had been shipped in interstate commerce within the period from on or about August 6, 1942, to May 12, 1943, by the Kungsholm Baking Co., from Chicago, Ill.; and charging that it was adulterated and/or misbranded. The product in 2 of the lots was labeled in part: (Carton) "Kungsholm Ice Box Cookies," (package) "Vitamin B₁ and Important Minerals have been added." The remaining shipment was labeled in part: "Delicious Ice Box Cookies."

The lots located at Kansas City, Kans., and Newark, N. J., were alleged to be adulterated in that they consisted in whole or in part of filthy substances by reason of the presence of insect contamination.

The lots located at Kansas City, Kans., and Seattle, Wash., were alleged to be misbranded (1) in that the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ and mineral content, and its label failed to bear such information concerning its vitamin and mineral properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label did not state the proportion of the minimum daily requirements of vitamin B₁ contained in a specified quantity of the food which is customarily or usually consumed during a period of 1 day; and (2) since its label did not bear a statement of the minerals contained in the article, as required by the regulations, or the proportions of the minimum daily requirements for each mineral supplied by such food. The lot located at Seattle, Wash., was alleged to be misbranded further in that the following statements "Net Wt. 8 Oz.," or "Net Wt. 3½ Oz.," or "Net Wt. 12 Oz.," borne on the various sized packages, were false and misleading as applied to the article, since it was short of the declared weight, and (3) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. The lot located at Kansas City, Kans., was alleged to be misbranded further in that the statements of the quantity of the contents and the ingredient list, required by the act to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On July 13, September 18, and November 29, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5119. Misbranding of cookies. U. S. v. 22 Cartons of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 10030. Samples Nos. 33452-F, 45208-F.)

On June 1, 1943, the United States attorney for the District of New Jersey filed a libel against 22 cartons of cookies at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 11, 1943, by the Loose-Wiles Biscuit Co. from Long Island City, N. Y.; and charging that it was misbranded. The article was labeled in part: (Tag on tins) "Sunshine Fancy Assortment A delicious assortment of tempting cookies * * * Net Weight 2½ Lbs.," (bottom of tin) "Assorted Biscuits Net Weight 2 Lbs. 8 Ozs."

The article was alleged to be misbranded in that the statements "Net Weight 2½ Lbs.," and "Net Weight 2 Lbs. 8 Ozs.," were false and misleading since the packages contained less than the declared weight. It was alleged to be misbranded further in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL AND FLOUR

5120. Adulteration of corn meal. U. S. v. 142 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 9859. Sample Nos. 41368-F, 41369-F.)

This product was stored under insanitary conditions after shipment in interstate commerce and when examined rodent pellets were found on the bags, many of the bags had been chewed by rodents, and live weevils were observed on the outside of the bags. Examination of the meal showed that it contained beetles, larvae, and insect fragments, and that one lot contained rodent hair fragments.

On April 23, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 142 96-pound bags of corn meal at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 5, 1942, and January 16, 1943, from St. Joseph, Mo., and that it was in possession of Witherspoon Bros.; 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 may have become contaminated with filth. The article was labeled in part: "Sea Breeze Cream Corn Meal."

On June 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5121. Adulteration of flour. U. S. v. 45 Bags of Flour and 15 Bags of Flour. Consolidated decree of condemnation. (F. D. C. Nos. 9821, 9822. Sample Nos. 20081-F, 20082-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. Rodent pellets and what appeared to be urine stains were found on the bags. Examination of the samples confirmed the presence of urine on the bags and the flour directly beneath the stained portion.

On April 19, 1943, the United States attorney for the District of Massachusetts filed libels against a total of 60 bags of flour at Boston, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about October 30, 1942, to February 15, 1943, from Island City, Oreg., and Mt. Vernon and Loudonville, Ohio, and that it was in possession of Betty Alden Products, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, flour contaminated with rodent urine, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "B. W. Pie All Purpose Pastry Flour," "Blue Ribbon," "White Spear Pastry," "Silver Spike," or "State House Brand Fancy Pastry Flour."

On May 6, 1943, the Betty Alden Products, Inc., claimant, having admitted the allegations of the libel, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond for segregating and destroying the bad portion under the supervision of the Food and Drug Administration.

5122. Adulteration of flour. U. S. v. 112 Bags of Wheat Flour. Consent decree of condemnation. Product ordered released under bond for denaturing. (F. D. C. No. 9751. Sample No. 23255-F.)

This product was stored under insanitary conditions. Mouse pellets were found on all the bags. Some bags had been gnawed by mice and contained urine stains, and flour removed from a gnawed bag was found to contain a large number of rodent pellets.

On or about April 7, 1943, the United States attorney for the District of New Jersey filed a libel against 112 bags of wheat flour at Trenton, N. J., in the possession of the Original Trenton Cracker Co., alleging that the article had been shipped in interstate commerce on or about October 22, 1942, from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, mouse pellets and urine-stained flour, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.