

CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCTS**

17501. Action to enjoin and restrain the interstate shipment of adulterated and misbranded bakery products. U. S. v. Cambridge Bakery and Clinton F. Phillips and L. Thurman Phillips. Decree for injunction entered. (Inj. No. 145.)

COMPLAINT FILED: September 11, 1946, District of Maryland, against the Cambridge Bakery, a partnership, Cambridge, Md., and Clinton F. Phillips and L. Thurman Phillips, partners.

NATURE OF CHARGE: That the defendants, since on or about June 29, 1945, to the time of filing the complaint, had been manufacturing and shipping in interstate commerce bakery products which were adulterated under Sections 402 (a) (3) and (4), in that they consisted in whole or in part of filthy substances and had been prepared, packed, and held under insanitary conditions whereby they became and were being contaminated with filth; that the defendants also had been manufacturing and shipping in interstate commerce foods which were misbranded under Sections 403 (e) (1) and (2) and Sections 403 (i) (1) and (2), in that they were in package form and failed to bear labels containing the name and address of the packer or distributor, an accurate statement of the quantity of the contents, and the common or usual name of the product; and with respect to the products which were fabricated from two or more ingredients, the labels failed to bear the common or usual name of each such ingredient.

The complaint alleged further that various investigations had been made of the defendants' place of business, during which they had been warned to remedy the defects existing in their methods of operation and to refrain from shipping adulterated or misbranded bakery products in interstate commerce, but that such warnings had been unheeded.

The complaint alleged also, on information and belief, that the defendants would continue to ship foods in interstate commerce in violation of the law unless restrained from so doing, and prayed that the court enter an order restraining such acts.

DISPOSITION: On October 11, 1946, the defendants having consented to the entry of a decree, judgment was entered ordering that the defendants and all persons acting on their behalf be enjoined and restrained from shipping, or causing to be shipped, foods and food products, more specifically bakery products, which were adulterated or misbranded in the manner alleged in the complaint.

17502. Action to enjoin and restrain the interstate shipment of adulterated cookies. U. S. v. Wesley L. Kinder (Jack's Cookie Co.). Injunction granted; subsequently dissolved. (Inj. No. 159.)

COMPLAINT FILED: January 6, 1947, Northern District of Oklahoma, against Wesley L. Kinder, doing business as Jack's Cookie Co., Vinita, Okla.

NATURE OF CHARGE: That the defendant was engaged in the business of manufacturing vanilla wafers, fig bars, oatmeal cookies, and similar products at Vinita, Okla., and that approximately one-third of these products was shipped by him in interstate commerce.

The complaint alleged that these products were adulterated within the meaning of Section 402 (a) (3), in that they contained filthy and putrid sub-

stances and were otherwise unfit for food; and, Section 402 (a) (4), in that they were prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that analyses of vanilla wafers and oatmeal cookies shipped by the defendant in interstate commerce disclosed that they contained insects, larvae, insect fragments, and rodent hair fragments in large numbers; that insanitary conditions consisted in mouse excreta, weevils, beetles, and other insects which were throughout the plant, and in the raw material, on the equipment and in various batches in material from which the cookies were made; that mouse pellets and excreta were upon the sacks of flour dumped into the elevator pits, and that this filth was dumped into these pits along with said flour and became part of the cookies and other products; that the defendant was using raisins in the manufacture of oatmeal cookies, which raisins were infested with beetles; and that the defendant had permitted live beetles and rodent excreta to become mixed with flour.

The complaint alleged also that the defendant had been requested to correct and remedy the filthy and insanitary conditions, but had failed, neglected, and refused to do so, and was continuing to prepare and package food products under the above-stated insanitary conditions; and that the defendant continued and would continue to introduce the adulterated products into interstate commerce unless permanently enjoined and restrained from so doing.

The complaint prayed that a permanent injunction be issued enjoining and restraining the defendant from continuing to introduce into interstate commerce adulterated food products, and that a temporary injunction be granted pending the final hearing.

DISPOSITION: January 24, 1947. The matter was heard before the court, and an injunction was entered enjoining the defendant from introducing into, or shipping in, interstate commerce any adulterated food products manufactured, prepared, packed, or shipped by him. On August 13, 1947, the defendant moved that the injunction be dissolved; and the court upon finding that there had been full compliance with the terms of the injunction, ordered that it be dissolved.

CORN MEAL AND FLOUR

17503. Action to enjoin and restrain the interstate shipment of adulterated corn meal and flour. U. S. v. Star Milling Co. and Urey W. Patrick and Dempsey W. Ringo. Injunction granted. (Inj. No. 105.)

COMPLAINT FILED: August 1, 1945, Western District of Kentucky, against the Star Milling Co., a corporation, Clinton, Ky., and Urey W. Patrick, president and secretary, and Dempsey W. Ringo, vice president, of the corporation.

NATURE OF CHARGE: That the defendants had been and were at the time introducing and causing to be introduced, and delivering and causing to be delivered, for introduction into interstate commerce, at Clinton, Ky., corn meal and flour which were adulterated under Section 402 (a) (3), in that they consisted in whole or in part of filthy substances and were otherwise unfit for food; and, Section 402 (a) (4), in that they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that inspections of the plant disclosed the existence of insanitary conditions and the presence of rodent excreta, and other foreign matter, and filthy, unwholesome substances in and around the