

DISPOSITION: October 1, 1954. Default decree of condemnation and destruction.

21709. Adulteration of flour. U. S. v. 2 Barrels * * *. (F. D. C. No. 36954. Sample No. 72825-L.)

LABEL FILED: September 13, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 13, 1954, from Chicago, Ill.

PRODUCT: 2 barrels, each containing 250 pounds, of flour at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 12, 1954. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

21710. Adulteration of macaroni and spaghetti. U. S. v. S. D. Giacomo Co. and Pete Giacomo. Pleas of not guilty. Tried to the court. Verdict of guilty. Company fined \$200 and individual defendant fined \$100. (F. D. C. No. 36659. Sample Nos. 15638-L, 15639-L.)

INFORMATION FILED: January 17, 1955, Northern District of Oklahoma, against the S. D. Giacomo Co., a partnership, Sapulpa, Okla., and Pete Giacomo, a partner in the partnership.

ALLEGED VIOLATION: Between the approximate dates of September 24, 1952, and February 16, 1954, while a quantity of macaroni and spaghetti was being held for sale after shipment in interstate commerce, the defendants caused the products to be placed in a building that was accessible to rodents and caused the products to be exposed to contamination by rodents, which acts resulted in the products being adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent excreta; and, Section 402 (a) (4), the articles were held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: The defendants having entered pleas of not guilty, the case came on for trial before the court without a jury on March 3, 1955. The trial was concluded on the same day, with the return of a verdict of guilty and the imposition of a fine of \$200 against the company and \$100 against the individual defendant.

21711. Adulteration of egg noodles. U. S. v. Daniel W. Mikesell, Inc., and Ralph L. Lyon. Pleas of guilty. Fine of \$300 against corporation and \$100 against individual. (F. D. C. No. 36618. Sample Nos. 70773-L, 70774-L, 70778-L, 70779-L.)

INFORMATION FILED: On or about November 3, 1954, Southern District of Ohio, against Daniel W. Mikesell, Inc., doing business at Dayton, Ohio, and Indianapolis, Ind., and against Ralph L. Lyon, manager of the corporation's Indianapolis plant.

ALLEGED SHIPMENT: Between the approximate dates of October 9 and 16, 1953, from the State of Indiana into the State of Ohio.

LABEL, IN PART: (Bag) "Mike-sell's Egg Noodles."