

"The term 'food' means: 'Articles used for food or drugs for man or other animals \* \* \*'

"Introduction, or delivery for introduction, into interstate commerce of any food, drug, device or cosmetic that is adulterated or misbranded, is prohibited under the laws of the United States.

"Food shall be deemed to be adulterated if it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth.

"The term 'sanitary conditions' should be construed to have the usual and ordinary meaning.

"And, accordingly, and in keeping with the Findings of Fact and the Conclusions of Law as just stated by the court, I find Sam Palazzolo, Carl V. Viviano, and John A. Viviano guilty as charged in each of the three counts."

The defendants were each fined \$3,000 and placed on probation for two years.

Defendants then appealed to the United States Court of Appeals for the Sixth Circuit, and on 10-31-57, the appellate court affirmed the judgment of the district court.

**24212. Egg noodles and flour.** (F. D. C. No. 40634. S. Nos. 43-484 M, 43-490 M, 44-603 M.)

QUANTITY: 7 ctns., 24 5-oz. bags each, of egg noodles and 53 25-lb. bags and 10 50-lb. bags of flour at Jacksonville, Ill., in possession of Jenkinson Wholesale Grocer Co.

SHIPPED: Between 3-22-57 and 8-16-57, from St. Louis, Mo., and Arkansas City, Kans.

LIBELED: 9-11-57, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-10-57. Default—delivered to a public institution for use as animal feed.

#### MISCELLANEOUS CEREALS

**24213. Wheat.** (F. D. C. No. 40029. S. No. 53-986 M.)

QUANTITY: 121,800 lbs. at Spokane, Wash.

SHIPPED: 12-19-56, from Inverness, Mont., by McCabe Co.

LIBELED: 2-26-57, E. Dist. Wash.

CHARGE: 402 (a) (1)—contained, when shipped, an added poisonous substance, lead, which may render the article injurious to health.

DISPOSITION: 4-11-57. Consent—claimed by the Great Northern Railway Co., Spokane, Wash. Segregated; 8,250 lbs. destroyed.

**24214. Wheat.** (F. D. C. No. 40235. S. Nos. 56-456 M, 71-469 M.)

QUANTITY: 60,490 lbs. at Hastings, Minn.

SHIPPED: 4-18-57, from Hecla, S. Dak., by Estee Elevator Co.

LIBELED: 5-1-57, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent pellets when shipped.

DISPOSITION: 5-14-57. Consent—claimed by Estee Elevator Co., and denatured for use as animal feed.

**24215. Wheat.** (F. D. C. No. 40245. S. No. 20-875 M.)

QUANTITY: 43,590 lbs. at Parkville, Mo.

SHIPPED: 4-10-57, from Erie Kans., by Erie Grain Co.

LIBELED: 5-10-57, W. Dist. Mo.