

LABEL IN PART: (Pkg.) "San Giorgio Pure Egg Noodles * * * One Full Pound Mfg. by San Giorgio Macaroni, Inc., Lebanon, Pa.," "San Giorgio Pure Egg Noodles * * * Net Wt. 1 Lb. Mfg. by San Giorgio Macaroni, Inc., Lebanon, Pa.," (bag) "San Giorgio * * * Net Wt. 1 Lb. Pure Egg * * * Soup Gems," "San Giorgio * * * Net Wt. 1 Lb. Pure Egg * * * Sea Shells," "San Giorgio * * * Net Wt. 1 Lb. Pure Egg * * * Stars," "San Giorgio * * * Pure Egg Noodles," (ctn.) "San Giorgio * * * Egg Noodles."

LIBELED: 12-17-58, Dist. Mass.

CHARGE: 402(a) (3)—contained insect parts and rodent hairs; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-17-59. Default—destruction.

25916. Egg noodles. (F.D.C. No. 43315. S. Nos. 49-848/51 P.)

QUANTITY: 156 ctns., 12 8-oz. pkgs. each, at Evansville, Ind., in possession of Hulman & Co.

SHIPPED: 11-3-58 and 3-4-59, from Louisville, Ky.

LIBELED: 8-4-59, S. Dist. Ind.

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

DISPOSITION: 9-30-59. Default—destruction.

25917. Egg noodles. (F.D.C. No. 43439. S. No. 53-457 P.)

QUANTITY: 165 cases, 12 1-lb. pkgs. each, at Los Angeles, Calif.

SHIPPED: 1-28-59, from New York, N.Y.

LIBELED: 9-9-59, S. Dist. Calif.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 9-30-59. Default—destruction.

25918. Cheese ravioli in sauce. (F.D.C. No. 42741. S. No. 45-828 P.)

QUANTITY: 5 cases, 24 cans each, at Denver, Colo.

SHIPPED: 1-14-59 and 2-4-59, from Oakland, Calif., by American Home Foods, Inc.

LABEL IN PART: (Can) "Chef Boy-Ar-Dee Cheese Ravioli In Sauce Net Wt. 15½ Oz."

LIBELED: 4-10-59, Dist. Colo.

CHARGE: 402(a) (3)—contained rodent hairs, insects, and insect fragments when shipped.

DISPOSITION: 5-21-59. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

25919. Rice. (Inj. No. 333.)

COMPLAINT FOR INJUNCTION FILED: 4-25-58, N. Dist. Calif., against M. D. Green Rice Milling Co., a corporation, maintaining an office at San Francisco, Calif., and operating a rice milling plant at Merritt Station, Yolo County, Calif., and against C. R. Osborne, superintendent of the corporation's Merritt Station plant, and M. S. Green, vice-president and office manager of the corporation.

*See also Nos. 25975, 25985.

CHARGE: The complaint alleged that the defendants were engaged in the business of storing, milling, preparing and distributing rice, and that they had been and were causing to be introduced and delivered for introduction into interstate commerce, such rice which was adulterated under 402(a) (3) because of the presence therein of rodent urine, rodent hairs, and insects, and under 402(a) (4) because it had been prepared, packed, and held under insanitary conditions.

The complaint alleged further that the insanitary conditions in the defendants' Merritt Station plant resulted from and consisted of the storage of rough rice in a building with ill-fitting doors and holes in the tin sheeting siding through which rodents could enter the building; the presence of numerous rodent tracks and rodent excreta pellets on the surface of the rough rice; excreta of either dog or cat origin in the aeration tunnels leading into the center of the piles of rough rice; the presence in the rice mill of mold along the undersurface of the covering to the conveyor lines; the presence of insects, insect fragments, insect larvae, pupae, webbing, frass, and cocoons in and about the conveyor lines throughout the rice mill; the presence of fruit flies on the surface of the coating "sirup" contained in a tank in the mill's coating department; rodent tracks and pellets in and around the raw talc material used in coating the rice; the presence of live moths, moth larvae and cocoons inside the sacking-off bins which held the finished rice, including coated and uncoated whole rice, second head rice and brewers rice; the presence of rodent nests and rodent-gnawed bags among the bags of finished rice stored in the mill, and rodent excreta pellets and rodent urine on the bags of finished rice.

The complaint alleged also that the defendants were well aware that their activities were in violation of the law; that inspections of the defendants' Merritt Station plant were made on October 10, 1956, August 7, 1957, and on February 27 and 28, 1958, by inspectors of the Food and Drug Administration at which times the defendants were informed of the insanitary conditions; and that despite such warnings the defendants failed to correct the insanitary conditions in the plant and continued to introduce adulterated rice into interstate commerce.

DISPOSITION: On April 25, 1958, the court entered a temporary restraining order against the defendants enjoining them from directly or indirectly causing to be introduced and delivered for introduction into interstate commerce, rice or any similar article which was adulterated by reason of the presence therein of rodent urine, rodent hairs, or insects, or because of the preparation, packing or holding of such article under insanitary conditions.

The temporary restraining order also enjoined the defendants against causing the introduction or delivery for introduction into interstate commerce, of rice or any similar article prepared, packed, or held at the defendants' Merritt Station plant unless and until:

(a) the plant was thoroughly cleaned, renovated, and rendered suitable for the preparation, packing, and holding of food for human consumption by eliminating all rodent, insect, dog, and cat filth from the plant, cleaning the equipment, closing the means of ingress and egress of the plant by rodents and insects, and eliminating any similar insanitary conditions which may result in the contamination of food in the plant;

(b) all of the rice on hand at the plant at the time it was cleaned, renovated, and rendered suitable for the storage of food for human consumption was

destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of the Food and Drug Administration; and

(c) an inspection was made of the plant by the Food and Drug Administration and a report made to the court that the above-mentioned insanitary conditions no longer existed, and that the rice described in subparagraph (b), above, had been destroyed, denatured, or brought into compliance with the law.

Pursuant to agreement of the parties, an order was entered by the court which continued the temporary restraining order in effect until February 15, 1960.

25920. Rice. (F.D.C. No. 43461. S. No. 53-969 P.)

QUANTITY: 47 25-lb. bags and 34 50-lb. bags at Stuttgart, Ark., in possession of Comet Rice Mills.

SHIPPED: 8-28-59, from Syracuse, N.Y.

LBELED: 9-30-59, E. Dist. Ark.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-30-59. Default—delivered to a public institution for use as animal feed.

25921. Rice. (F.D.C. No. 43468. S. No. 65-777 P.)

QUANTITY: 5 100-lb. bags and 34 cases, 24 1-lb. bags each, at Sharon, Pa.

SHIPPED: 6-30-59, from Youngstown, Ohio.

RESULTS OF INVESTIGATION: The article in the one pound bags was repacked by the dealer from bulk stock shipped as described above.

LBELED: 10-7-59, W. Dist. Pa.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-23-59. Default—destruction.

25922. Barley. (F.D.C. No. 42051. S. No. 26-362 P.)

QUANTITY: 92,060 lbs. at Minneapolis, Minn.

SHIPPED: 6-26-58, from Clark, S. Dak., by Clark County Farmers Elevator Co.

LBELED: 7-15-58, Dist. Minn.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which was unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on barley has been prescribed by regulations.

DISPOSITION: 7-18-58. Consent—claimed by Clark County Farmers Elevator Co. Segregated; 18,730 lbs. destroyed.

25923. Wheat. (Inj. No. 345.)

COMPLAINT FOR INJUNCTION FILED: 12-11-58, Dist. Md., against Myron L. Bloom, Sr., St. James, Md.