

DISPOSITION: 11-22-60. Default—delivered to a public institution for use as animal feed.

26962. Donut mix. (F.D.C. No. 44879. S. Nos. 38-968/71 R.)

QUANTITY: 175 100-lb. bags at Memphis, Tenn.

SHIPPED: 6-2-60 and 6-7-60, from Hillsdale, Mich., and Ellicott City, Md.

LIBELED: 9-2-60, W. Dist. Tenn. ✓

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

DISPOSITION: 10-6-60. Default—delivered to a public institution for use as animal feed.

COCOA PRODUCT AND SUGAR*

26963. Cocoa beans. (F.D.C. No. 45111. S. Nos. 13-818/22 R, 13-824/8 R.)

QUANTITY: 2,346 bags, containing a total of 332,275 lbs., at Milwaukee, Wis.

SHIPPED: Between 1-6-60 and 9-21-60, from New York, N.Y.

LIBELED: 11-28-60, E. Dist. Wis. ✓

CHARGE: 402(a)(3)—contained insects and insect-damaged beans while held for sale.

DISPOSITION: 12-1-60. Consent—claimed by Ambrosia Chocolate Co., Milwaukee, Wis. Segregated; approximately 72,630 lbs. destroyed.

26964. Cane sugar. (F.D.C. No. 45053. S. No. 36-042 R.)

QUANTITY: 20 100-lb. sacks at Brooklyn, N.Y.

SHIPPED: 9-3-60, from Mercedita, Puerto Rico.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 11-30-60, E. Dist. N.Y. ✓

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-8-61. Default—destruction.

26965. Powdered sugar. (F.D.C. No. 44812. S. No. 23-751 R.)

QUANTITY: 80 cases, 24 1-lb. boxes each, at Kansas City, Kans.

SHIPPED: On various dates, from outside the State of Kansas.

LIBELED: 10-14-60, Dist. Kans. ✓

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

DISPOSITION: 1-5-61. Default—destruction.

DAIRY PRODUCTS

BUTTER

26966. Butter. (F.D.C. No. 43754. S. Nos. 53-122/3 R.)

QUANTITY: 412 64-lb. boxes at St. Paul, Minn.

SHIPPED: 11-2-60, from Bismarck, N. Dak., by Armour Creameries.

*See also Nos. 26988, 26990.

LIBELED: 11-17-60, Dist. Minn.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 11-29-60. Consent—claimed by Armour & Co., Chicago, Ill., and reworked to bring it into compliance with the law.

FEEDS AND GRAINS

26967. Barley meal. (F.D.C. No. 45028. S. No. 33-237 R.)

QUANTITY: 48 bags, containing a total of 4,800 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-30-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, which flooded the pier where the article was stored.

LIBELED: 11-9-60, E. Dist. N.Y.

CHARGE: 402(a) (3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 2-8-61. Default—destruction.

26968. Cottonseed meal. (F.D.C. No. 42498. S. Nos. 524 P, 526 P.)

INFORMATION FILED: 8-5-60, E. Dist. Ark., against Swift & Co., a corporation, Little Rock, Ark.

SHIPPED: 10-9-59 and 11-30-59, from Arkansas to Oklahoma.

LABEL IN PART: "100 Lbs Net Wt S W I F T ' S Cottonseed Meal Or Pellets 41% Protein—Prime Quality Guaranteed Analysis Crude Protein, not less than 41.00% Crude Fibre, not more than 14.00% Manufactured By SWIFT & COMPANY Chicago, Ill. Mfg. at Little Rock, Ark."

CHARGE: 402(b) (1)—a valuable constituent, protein, had been in whole or in part omitted from the article; 402(b) (4)—crude fibre had been added to the article so as to increase its bulk or weight; and 403(a)—the label statements "Crude Protein, not less than 41.00%" and "Crude Fibre, not more than 14.00%" were false and misleading since the article contained less than 41 percent of crude protein and more than 14 percent of crude fibre.

PLEA: Nolo contendere.

DISPOSITION: 9-27-60. \$400 fine.

26969. Cracked wheat and barley malt. (F.D.C. No. 45129. S. Nos. 8-737/8 R.)

QUANTITY: 126 100-lb. bags of cracked wheat, and a commingled lot of 30,000 to 40,000 lbs. of barley malt, at Albany, N.Y., in possession of Hedrick Brewing Co., Inc.

SHIPPED: The wheat was shipped on 5-25-60, from Chicago, Ill., and the barley malt was shipped during August and September 1960, from Manitowoc, Wis., and Toronto, Canada.

LIBELED: 11-2-60, N. Dist. N.Y.

CHARGE: 402(a) (3)—both articles contained insects and the barley malt also contained rodent excreta; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 12-27-60. Default—destruction.