

On November 19, 1942, Rudolph Boscowitz, having entered a plea of guilty, the court imposed a fine of \$100 on the first count and dismissed the remaining 3 counts of the information. The court also ordered the case against Sam Boscowitz dismissed.

4305. Adulteration of bakery products. U. S. v. Amelia B. Woodworth (Becker's Bakery). Plea of nolo contendere. Fine, \$500; \$400 of fine suspended pending reinspection of plant of defendant. (F. D. C. No. 7680. Sample Nos. 70772-E, 70774-E, 70775-E, 70782-E, 70784-E, 70851-E.)

These products contained hair fragments resembling those of rodent hairs.

On October 26, 1942, the United States attorney for the Western District of South Carolina filed an information against Amelia B. Woodworth, trading as Becker's Bakery, alleging shipment within the period from on or about April 17 to on or about April 29, 1942, from the State of South Carolina into the States of Georgia and North Carolina of quantities of bakery goods that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Holsum Cake," "Becker's Cakes," or "Becker's Pecan Pie."

On November 23, 1942, the defendant entered a plea of nolo contendere, and on December 2, 1942, the court imposed a fine of \$500, but ordered that payment of \$400 of the fine be suspended pending reinspection of the plant of the defendant by the Food and Drug Administration. Subsequent to the report of the results of such reinspection the suspension of the \$400 of the fine was made permanent.

4306. Adulteration of cookies. U. S. v. York Cone Co. Plea of nolo contendere. Fine of \$25 on each of counts 1 to 4 inclusive; placed on probation for 1 year on count 5. (F. D. C. No. 7697. Sample Nos. 54565-E, 54738-E, 70363-E, 70364-E, 87894-E.)

This product contained hairs resembling rodent hairs, and a portion contained insect fragments.

On November 16, 1942, the United States attorney for the Middle District of Pennsylvania filed an information against the York Cone Co., a corporation, York, Pa., alleging shipment within the period from on or about February 23 to on or about April 15, 1942, from the State of Pennsylvania into the States of New Jersey, Delaware, Georgia, and North Carolina of quantities of cookies that were adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Malted Milk Flavored Wafers 1¢ York Munchies."

On December 7, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25 on counts 1 to 4 inclusive and placed the defendant on probation for 1 year on count 5.

4307. Adulteration of cookies. U. S. v. 13 Cartons and 4 Cartons of Cookies. Default decrees of condemnation and destruction. (F. D. C. Nos. 8537, 8538. Sample Nos. 19451-F, 19453-F, 19455-F.)

Portions of these products contained insect parts and fragments and rodent hairs.

On October 9, 1942, the United States attorney for the District of Rhode Island filed libels against a total of 17 cartons of cookies at Woonsocket, R. I., alleging that the articles had been shipped in interstate commerce on or about September 17, 1942, by the Golden Cookie Co., from Watertown, Mass.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: (Carton) "Atora Sand. Van. Asst.," "Choc-Nut Chips," or "Raisin Squares."

On November 5, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4308. Misbranding of cookies. U. S. v. 58 Cartons of Cookies (and 2 additional seizure actions against cookies). Default decrees of condemnation. One lot ordered sold to highest bidder. The remaining lots ordered delivered to charitable institutions. (F. D. C. Nos. 8947, 8949, 8979. Sample Nos. 29045-F, 22622-F, 22623-F, 18688-F.)

Between December 1 and December 9, 1942, the United States attorneys for the Northern District of Georgia, Eastern District of Pennsylvania, and District of Connecticut filed libels against 58 cartons of cookies at Atlanta, Ga., 64

tins at Philadelphia, Pa., and 234 boxes at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about October 6 to on or about November 19, 1942, by Fashion Bakers from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: "Charlevoix Assortment * * * 2 Lbs. Nt Wt.," or "Fashion Bakers French Assorted Cookies * * * 12 Oz. Net [or, "2½ Lbs. Nt. Wt."]."

The article was alleged to be misbranded (1) in that the statements "12 Oz. Net," "2½ Lbs. Nt Wt.," and "2 Lbs. Nt Wt." were false and misleading as applied to an article that was short weight; and (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. Two of the lots were alleged to be misbranded further in that their containers were so filled as to be misleading since they could have, and to be full weight should have, contained more cookies.

Between December 18, 1942, and March 19, 1943, no claimant having appeared, judgments of condemnation were entered. The portion of the product located at Atlanta, Ga., was ordered sold to the highest bidder, and the lots located at Philadelphia, Pa., and Bridgeport, Conn., were ordered delivered to charitable institutions.

MISCELLANEOUS CEREAL PRODUCTS

4309. Adulteration of barley. U. S. v. 60 Sacks of Barley. Default decree of condemnation. Product ordered sold. (F. D. C. No. 8907. Sample No. 5642-F.)

This product contained beetles, larvae, cast skins, and insect fragments.

On November 21, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 60 100-pound sacks of barley at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 3, 1941, by the Quaker Oats Co. from Cedar Rapids, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Spec. Chester Barley."

On December 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder on condition that it should not be disposed of in violation of law. It was ground into animal feed.

4310. Adulteration of gelatinized corn and rice flour. U. S. v. 9 Bags of Dusting Gelatinous No. 146 Compound and 8 Bags of No. 146 Griffith's Gelatinized Compound. Default decree of condemnation and destruction. (F. D. C. No. 8702. Sample Nos. 4675-F, 4676-F.)

Samples of this product were found to contain insect fragments, larvae, and beetles.

On November 4, 1942, the United States attorney for the Northern District of Ohio filed a libel against 17 bags of the above-described product, at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 24 and October 9, 1942, by Griffith Laboratories, Inc., from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled, in part: "Gelatinous Processed From Select [or "Selected"] Maize and Rice."

On December 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4311. Adulteration of rice flour. U. S. v. 20 Bags of Rice Flour. Default decree of condemnation and destruction. (F. D. C. No. 8315. Sample No. 18006-F.)

This product contained beetles, larvae, and larva casts.

On September 4, 1942, the United States attorney for the District of New Jersey filed a libel against 20 100-pound bags of rice flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 30 and August 21, 1942, by Stein, Hall & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Hallmark Rice Flour."

On November 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4312. Adulteration of rye flour, rye-wheat flour, and rye meal. U. S. v. 118 Bags of Flour and Meal. Consent decree of condemnation. Products ordered released under bond for reconditioning. (F. D. C. No. 8558. Sample Nos. 21535-F to 21539-F, incl.)

The rye meal contained weevils, and the flour contained weevils and larvae.

On October 9, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 118 bags of flour and meal at Pittsburgh, Pa.,