

"Realizing full well the duty of the Court to protect the public from interstate commerce in food products injurious to the public health and having in mind the importance of the strict enforcement of the food and drug act, and giving the most liberal construction to the Government's case, the Court is of the opinion that the libel of information is not supported by the evidence and should be dismissed. An Order will be entered."

On December 20, 1943, judgment was entered dismissing the case, and on December 29, 1943, an order was entered for the release of the goods to the claimant.

5636. Adulteration of rice. U. S. v. 90 Bags of Rice. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 12643. Sample No. 67548-F.)

This product had been stored under insanitary conditions after shipment in interstate commerce. Some bags had been gnawed by rodents and rodent excreta and urine stains were found on the bags. Examination of samples taken from this lot showed that it had been contaminated with urine and contained rodent excreta.

On June 7, 1944, the United States attorney for the Southern District of Ohio filed a libel against 90 bags of rice at Cincinnati, Ohio, alleging that the article, which was in the possession of the Cincinnati Terminal Warehouses, Inc., had been shipped in interstate commerce on or about December 6, 1943, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On June 13, 1944, the Mills Cincinnati Restaurant Co., claimant, having admitted the truth of the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

5637. Adulteration of rice. U. S. v. 129 Bags and 103 Bags of Rice. Decrees of condemnation. One portion ordered released under bond to be reprocessed; remainder ordered destroyed or reprocessed for animal feed. (F. D. C. Nos. 11001, 11478. Sample Nos. 34297-F, 49012-F.)

On November 3 and December 29, 1943, the United States attorney for the Northern District of Ohio filed libels against 232 bags, each containing 100 pounds, of rice at Youngstown and Cleveland, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about September 28, 1942, to March 22, 1943, by the Southern Rice Sales Co. from DeWitt, Ark., Houston, Tex., and Rayne and Crowley, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of one or more of the following: Insects, insect fragments, larvae, pupae, cast skins, and rodent hair fragments. The article was labeled in part: "21 Sorico Extra Fancy Fort Una," or "River Brand Rice Extra Fancy Blue Rose Uncoated."

On November 29, 1943, the Mahoning Valley Flour Company, Youngstown, Ohio, claimant for the lot at Youngstown, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration. This portion was fumigated and cleaned, and the rejected material was destroyed. On May 26, 1944, no claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered destroyed or reprocessed for animal feed.

5638. Adulteration of rye chops. U. S. v. 43 Bags of Rye Chops. Decree of condemnation and destruction. (F. D. C. No. 10466. Sample No. 52821-F.)

On August 23, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 43 bags of rye chops at Norfolk, Va., alleging that the article had been shipped on or about March 25, 1943, by the Atkinson Milling Co., from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of insects and larvae. It was labeled in part: (Tag) "Freedom Rye Chops."

On November 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.