

**DISPOSITION:** June 14, 1945. Packman Brothers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be salvaged and the remainder converted into stock feed under the supervision of the Federal Security Agency.

**8147. Adulteration of rice. U. S. v. 103 Bags of Rice. Default decree of condemnation and destruction.** (F. D. C. No. 16490. Sample No. 27271-H.)

**LIBEL FILED:** June 25, 1945, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about March 1, 1945, from Sacramento, Calif.

**PRODUCT:** 103 100-pound bags of rice at Spokane, Wash., in the possession of the Roundup Grocery Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta pellets and urine stains were observed on them. Examination showed that the product contained rodent excreta pellets and rodent hairs.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8148. Adulteration of rice. U. S. v. 25 Bags of Rice. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 16004. Sample No. 9439-H.)

**LIBEL FILED:** May 4, 1945, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 24, 1944, by L. A. Black, Rice Miller, from DeWitt, Ark.

**PRODUCT:** 25 100-pound bags of rice at Buffalo, N. Y.

**LABEL, IN PART:** "Extra Fancy Zenith Rice."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** May 18, 1945. The Buffalo Sugar and Coffee Service Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the good portion from the bad portion, under the supervision of the Food and Drug Administration. The unfit portion of the shipment was denatured for use as animal feed.

**8149. Adulteration of molding starch. U. S. v. 89 Bags of Molding Starch. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 16066. Sample No. 5668-H.)

**LIBEL FILED:** April 26, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 19, 1944, by the National Starch Products, Inc., from Indianapolis, Ind.

**PRODUCT:** 89 100-pound bags of molding starch at Jersey City, N. J.

**LABEL, IN PART:** (Bag) "Hoosier Starches Dextrines Gums Sizings Adhesives."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, soot, pebbles, rust, and charcoal fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 29, 1945. The National Starch Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be utilized in the manufacture of industrial adhesive or sizing under the supervision of the Food and Drug Administration.

**8150. Adulteration of ground wheat and wheat germ. U. S. v. 194 Bags of Ground Wheat and 15 Bags of Wheat Germ. Consent decree of condemnation. Products ordered released under bond.** (F. D. C. No. 16739. Sample Nos. 20080-H, 20081-H.)

**LIBEL FILED:** On or about June 22, 1945, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about May 28 and 31, 1945, by the Nebraska Consolidated Mills Co., from Omaha, Nebr.

**PRODUCT:** 194 90-pound bags of ground wheat and 15 100-pound bags of wheat germ at Council Bluffs, Iowa.

**LABEL, IN PART:** (Ground wheat) "Property of Dwarfies Corp. Council Bluffs, Iowa."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent excreta fragments, larvae, and larva fragments.

**DISPOSITION:** August 4, 1945. The Nebraska Consolidated Mills Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond, conditioned that they be denatured and relabeled as unfit for human consumption, under the supervision of the Food and Drug Administration.

## CHOCOLATE, SUGARS, AND RELATED PRODUCTS\*

### CANDY

**8151. Action to enjoin and restrain the interstate shipment of adulterated candy.**  
**U. S. v. McGraw Candy Co. and Francis D. McMahon and Walter W. McGraw.** Tried to the court. Injunction granted. (Inj. No. 38.)

**COMPLAINT FILED:** December 23, 1942, Southern District of Alabama, against the McGraw Candy Co., Mobile, Ala., and Francis D. McMahon and Walter W. McGraw, employees of the company.

**NATURE OF CHARGE:** From on or about October 28, 1942, to the time the complaint was filed, the defendants had been preparing, packing, processing, and otherwise manufacturing, and offering for interstate shipment and shipping in interstate commerce, candy that was adulterated in the following manner: Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent urine; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth and may have been rendered injurious to health.

**PRAYER OF COMPLAINT:** That a preliminary injunction issue, restraining the defendants from commission of the acts complained of; and that, after due proceedings, the preliminary injunction be made permanent.

**DISPOSITION:** December 23, 1942. The defendants were ordered to show cause why a preliminary injunction should not issue as prayed; and the matter having been heard before the court, a temporary restraining order was issued on December 23, 1942. On January 9, 1943, a hearing was had on the merits and on the Government's motion to make the temporary order permanent. On October 2, 1943, the court entered the following findings of fact, conclusions of law, and order permanently enjoining the defendants from the commission of the acts complained of:

*McDUFFIE, District Judge:*

### FINDINGS OF FACT

"The structure within which the defendants have manufactured their products, is not and cannot be made rat proof. Efforts have been made by the Company to eliminate the rats that made the premises unsanitary. The structure is very old, and in order to make it conform to the suggestions of the agents of the government, or its Bureau seeking to enforce the provisions of the Pure Food Laws, it would be necessary to practically reconstruct the building. Such an expense is not justified because of the volume of business done. Second, candy manufactured and shipped, contained rat hairs and rat excreta, and the conditions under which the candy was manufactured are found not to be in compliance with the rules and regulations of the authorities of the government. Third, for several months the Company has not shipped its products in Interstate Commerce, and has in that respect complied with the restraining order of this Court of December 23, 1942. Fourth, the owner or proprietor of this Company involved, is now and has been for many months in the armed service of the United States, and was in such service when this action was filed. He is therefore not personally responsible for any failure of the Company

\*See also Nos. 8270, 8284.