

8528. Misbranding of fruit cake. U. S. v. 3,741 Cans of Fruit Cake. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15161. Sample No. 24121-H.)

LABEL FILED: January 29, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of September 30 and November 10, 1944, by Emil Luft (Festive Products), from San Antonio, Tex.

PRODUCT: 3,741 cans of fruit cake at New Orleans, La. The product was short-weight, and the ingredient statement was placed inconspicuously on a side panel.

LABEL, IN PART: "From San Antonio Festive Fruit Cake Standard Coffee Company Net Weight One Pound."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (f), the information required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: October 22, 1945. Emil Luft and the Standard Coffee Co., Inc., New Orleans, La., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to the Standard Coffee Co., Inc., to be relabeled under the supervision of the Food and Drug Administration.

CORN MEAL AND CORN MEAL PRODUCTS*

8529. Adulteration of corn meal. U. S. v. City Mills Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 15526. Sample Nos. 35489-F, 35931-F, 35932-F.)

INFORMATION FILED: May 28, 1945, Middle District of Georgia, against the City Mills Co., a corporation, Columbus, Ga.

ALLEGED SHIPMENT: Between the approximate dates of January 12 and February 18, 1944, from the State of Georgia into the State of Alabama.

LABEL, IN PART: "Cimco Self Rising Unbolted Cornmeal," or "Pearce's Water Ground Unbolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent excreta fragments, rodent hair fragments, and hair fragments resembling rodent and cat hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 24, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$500 was imposed.

8530. Adulteration of corn meal. U. S. v. Henderson Roller Mills Co., Inc. Plea of nolo contendere. Fine of \$500 suspended for 2-year probationary period. (F. D. C. No. 14248. Sample Nos. 63703-F, 63706-F to 63708-F, incl.)

INFORMATION FILED: January 17, 1945, Western District of North Carolina, against the Henderson Roller Mills Co., Inc., Monroe, N. C.

ALLEGED SHIPMENT: Between the approximate dates of June 13 and 30, 1944, from the State of North Carolina into the State of South Carolina.

LABEL, IN PART: "Morning Glory Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hair fragments, insects, larvae, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 2, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500 but suspended payment, provided that during a period of 2 years the defendant should not be found guilty of further violations of the Federal Food, Drug, and Cosmetic Act.

*See also No. 8546.