

9012. Adulteration of cake. U. S. v. New Standard Baking Co. and Jacob Roseman. Pleas of nolo contendere. Corporate defendant fined \$2,000; individual defendant given 6 months' suspended sentence and placed on probation for 1 year. (F. D. C. No. 15583. Sample Nos. 85153-F, 85155-F to 85157-F, incl.)

INFORMATION FILED: November 27, 1945, Eastern District of Pennsylvania, against the New Standard Baking Co., a corporation, Philadelphia, Pa., and Jacob Roseman, president of the corporation.

ALLEGED SHIPMENT: On or about September 28 and October 12, 1944, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: "Lady Fair Fruit Cake," "Betacake Best Quality Cakes," or "Lady Fair * * * Orange [or "Cream"] Layer Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of larvae, head capsules, insect fragments, rodent hair fragments, a feather fragment, and flies; and, Section 402 (a) (4); they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 22, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the corporate defendant was sentenced to pay a fine of \$2,000. The individual defendant received a suspended sentence of 6 months' imprisonment and was placed on probation for a period of 1 year.

9013. Adulteration of cookies. U. S. v. Nutt Brothers Cookies. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 15592. Sample No. 73892-F.)

INFORMATION FILED: August 27, 1945, Southern District of California, against Nutt Brothers Cookies, a partnership, Los Angeles, Calif.; amended information filed December 11, 1945.

ALLEGED SHIPMENT: On or about November 8, 1944, from the State of California into the State of Arizona.

LABEL, IN PART: "Nutt Bros. Big Buy Cookies * * * Sugar Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, a hair fragment resembling rodent hair, and an unidentified hair.

DISPOSITION: December 11, 1945. A plea of nolo contendere having been entered, the defendant was fined \$150.

9014. Adulteration and misbranding of pies. U. S. v. The Blue Bird Pie Co. Plea of guilty. Fine, \$500. (F. D. C. No. 10536. Sample Nos. 42122-F, 42123-F, 42125-F.)

INFORMATION FILED: September 8, 1943, Southern District of Ohio, against the Blue Bird Pie Co., a corporation, Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about April 9, 1943, from the State of Ohio into the State of Kentucky.

PRODUCT: Various kinds of pies, some contained in cartons, some contained in cellophane envelopes or wrappers, and some contained in paper bags. Portions of the pies contained in the cartons and envelopes were short of the declared weight of "16 Ozs." or "4 Ounces," respectively. The bags and wrappers bore no statement of the quantity of the contents.

LABEL, IN PART: (Cartons) "Blue Bird Pies"; (envelopes and wrappers) "Blue [design of a bird] Pies." The paper bags bore the letter "T" or "C" and no other labeling.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and hairs resembling rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (a), the label statements "Net Weight 16 Ozs." and "4 Ounces," on portions of the products, were false and misleading since those portions weighed less than so labeled; Section 403 (e) (1), certain por-

tions of the articles failed to bear labels containing the name, and (in the case of the product in the bags) the place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the labels of portions of the article did not bear an accurate statement of the quantity of the contents since, in some instances, the labels bore no such statement and, in other instances, it was incorrect; and, Section 403 (i) (2), the label of the portion contained in the bags failed to bear the common or usual name of each ingredient.

DISPOSITION: June 15, 1944. A plea of guilty having been entered on behalf of the defendant, the court imposed fines totaling \$600.

9015. Adulteration of pecan pies. U. S. v. 95 Cartons of Pecan Pies. Default decree of forfeiture and destruction. (F. D. C. No. 15938. Sample No. 13573-H.)

LIBEL FILED: April 28, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 20, 1945, by the Dallas Cookie Co., from Dallas, Tex.

PRODUCT: 95 cartons, each containing 12 2-ounce pecan pies, at Bloomington, Ind. Examination showed that the article was moldy, and that it contained rodent hair fragments.

LABEL, IN PART: "Marvin's Delicious Pecan Feast."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 6, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

CORN MEAL*

9016. Adulteration of corn meal. U. S. v. Davis B. Spiers (Chowan Milling Co.). Plea of nolo contendere. Fine, \$50. (F. D. C. No. 15487. Sample No. 79686-F.)

INFORMATION FILED: June 4, 1945, Eastern District of North Carolina, against Davis B. Spiers, an individual trading as the Chowan Milling Co., at Como, N. C.

ALLEGED SHIPMENT: On or about September 29, 1944, from the State of North Carolina into the State of Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of adult storage insects, storage insect fragments, larva head capsules, larva cast skin, rodent excreta pellet fragments, rodent hair fragments, and hair fragments resembling rodent hairs.

DISPOSITION: September 24, 1945. A plea of nolo contendere having been entered, the defendant was fined \$50.

9017. Adulteration of corn meal. U. S. v. Edward Jones (Dry Fork Milling Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 8768. Sample No. 25223-F.)

INFORMATION FILED: January 11, 1943, Western District of Virginia, against Edward Jones, trading as the Dry Fork Milling Co. at Dry Fork, Va.

ALLEGED SHIPMENT: On or about September 5, 1942, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "White Oak Mountain * * * Bolted 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 pellet fragments, rodent hair fragments, insect larvae, larva heads, and miscellaneous insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 7, 1943. A plea of guilty having been entered, the court imposed a fine of \$25.

*See also Nos. 9020-9022.