

**9658. Adulteration and misbranding of enriched phosphated flour and enriched plain flour. U. S. v. Dixie Portland Flour Co. (Higginsville Flour Mill).**  
**Plea of guilty. Fine, \$500.** (F. D. C. No. 15506. Sample Nos. 67335-F, 68320-F, 68505-F, 72479-F, 80123-F.)

**INFORMATION FILED:** May 8, 1945, Western District of Missouri, against the Dixie Portland Flour Co., a corporation, trading as the Higginsville Flour Mill, Higginsville, Mo.

**ALLEGED SHIPMENT:** Between the approximate dates of April 21 and September 2, 1944, from the State of Missouri into the States of Ohio, Illinois, and Tennessee.

**LABEL, IN PART:** "Kroger's Country Club Quality Brand Enriched Flour Bleached Distributed By the Kroger Grocery & Baking Co. \* \* \* Cincinnati, O."; "Packed For C. D. Kenny Co. Distributors Baltimore, Md., Kenny's Enriched Bleached Flour"; "Enriched Flour Bleached Vitamins and Iron \* \* \* Grand Prize Best Quality \* \* \* Packed For Empire Distributing Company St. Louis, Mo."; or "Enriched Phosphated Flour \* \* \* Majestic Flour Mill, Aurora, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub>, riboflavin, iron, and niacin had been in whole or in part omitted or abstracted from the article, since it was represented as containing, in each 8 ounces, 100 percent of the minimum daily requirement of vitamin B<sub>1</sub>, 30 percent of the minimum daily requirement of riboflavin, 65 percent of the minimum daily requirement of iron, and 8 milligrams of niacin, whereas the 5 shipments of the article contained vitamin B<sub>1</sub> in amounts varying from 48 to 86 percent of the minimum daily requirement. Two of the shipments contained not more than 20 and 22.5 percent, respectively, of the minimum daily requirement of riboflavin; 48 and 50 percent, respectively, of the minimum daily requirement of iron; and 6.1 and 6.5 milligrams, respectively, of niacin.

Misbranding, Section 403 (a), the label statements, "Enriched 8 ounces of enriched flour contain not less than the following proportions of the minimum daily requirements of: Vitamin B<sub>1</sub> 100%; Riboflavin 30%; Iron 65%; and 8 mg. of Niacin," were false and misleading since all lots would supply less than 100 percent of the minimum daily requirement of vitamin B<sub>1</sub>, and 2 of the 5 lots would supply less than the declared proportions of the minimum daily requirements of riboflavin and iron, and less than the declared amount of niacin.

Further misbranding, Section 403 (g) (1), the 5 shipments of the product failed to conform to the definition and standard of identity prescribed for enriched flour, since the flour contained vitamin B<sub>1</sub> in amounts varying from .96 milligram to 1.57 milligrams; and 2 of the shipments contained, respectively, not more than 0.8 and 0.9 milligram of riboflavin, not more than 12.1 and 13.0 milligrams of niacin, and not more than 9.6 and 10.0 milligrams of iron, whereas the standard requires not less than 2.0 milligrams of thiamine (vitamin B<sub>1</sub>), not less than 1.2 milligrams of riboflavin, not less than 16.0 milligrams of niacin, and not less than 13 milligrams of iron per pound.

**DISPOSITION:** December 17, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500, plus costs.

#### MACARONI AND NOODLE PRODUCTS

**9659. Adulteration and misbranding of macaroni and noodle products. U. S. v. 29 Cases of Macaroni and 102 Cases of Noodles (and 1 other seizure action against macaroni and noodle products). Default decrees of condemnation. Portion of products ordered delivered to a charitable institution; remainder ordered destroyed.** (F. D. C. Nos. 16197, 16487. Sample Nos. 9464-H, 9466-H, 10489-H, 10490-H.)

**LIBELS FILED:** May 17 and June 20, 1945, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** Between the approximate dates of April 6 and May 25, 1945, by the Gioia Macaroni Co., Inc., from Rochester, N. Y.

**PRODUCT:** 29 cases, each containing 4 5-pound packages, of elbow macaroni and 102 cases, each containing 12 12-ounce packages, of noodles at Erie, Pa.; and 21 cases, each containing 20 1-pound packages, of macaroni products at Pittsburgh, Pa. Examination showed that the Erie lot contained rodent hair fragments; that the Pittsburgh lot was deceptively packaged, since the products occupied about 75 percent of the volume of the packages; and that a portion of the latter lot was short of the declared weight.