

ALLEGED SHIPMENT: On or about July 22 and 25, 1946, from the State of Minnesota into the State of Wisconsin.

LABEL, IN PART: "Enriched King Midas Flour."

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

DISPOSITION: September 22, 1947. Pleas of guilty having been entered, a fine of \$450 was imposed against the defendants jointly.

13031. Adulteration of flour. U. S. v. Montana Flour Mills Co. Plea of nolo contendere. Fine, \$2,500 and costs. (F. D. C. No. 24538. Sample Nos. 2613-K, 19023-K, 19024-K.)

INFORMATION FILED: April 9, 1948, Northern District of Ohio, against the Montana Flour Mills Co., Cleveland, Ohio.

ALLEGED SHIPMENT: On or about September 5, 10, and 16, 1947, from the State of Ohio into the State of West Virginia and the District of Columbia.

LABEL, IN PART: "Isis Flour," or "Sapphire Short Patent Flour."

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

DISPOSITION: April 30, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$2,500 and costs.

13032. Adulteration of flour. U. S. v. Shawnee Milling Co. (Okeene Milling Co.). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 23620. Sample Nos. 50516-H, 86601-H, 86603-H.)

INFORMATION FILED: November 10, 1947, Western District of Oklahoma, against the Shawnee Milling Co., a corporation, trading as the Okeene Milling Co., Okeene, Okla.

ALLEGED SHIPMENT: Between the approximate dates of February 17 and March 29, 1947, from the State of Oklahoma into the States of Texas and Arkansas.

LABEL, IN PART: "Okeene Bakers," or "Golden Sheaf * * * Phosphated Okeene Flour."

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

DISPOSITION: December 17, 1947. A plea of nolo contendere having been entered, a fine of \$150 was imposed.

13033. Adulteration of flour. U. S. v. 49 Bags * * *. (F. D. C. No. 24657. Sample No. 18559-K.)

LIBEL FILED: May 28, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 2, 1948, by the Eagle Roller Mill Co., from New Ulm, Minn.

PRODUCT: 49 100-pound bags of flour at Mt. Healthy, Ohio.

LABEL, IN PART: "Challenger Flour Bleached."

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 insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 23, 1948. The C. C. Groff Milling Co., Mt. Healthy, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as stock feed. under the supervision of the Food and Drug Administration.

13034. Adulteration of flour. U. S. v. 10 Bags, etc. (F. D. C. No. 24490. Sample Nos. 30836-K, 30837-K.)

LIBEL FILED: March 17, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about January 30, 1948, by the Sheridan Flouring Mills, Inc., from Sheridan, Wyo.

PRODUCT: 10 100-pound bags and 58 50-pound bags of flour at Whittier, Calif.

LABEL, IN PART: "Diamond D Flour," or "Best Out West Enriched Flour."

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 hair fragments.

DISPOSITION: May 4, 1948. Default decree of condemnation and destruction.

13035. Adulteration and misbranding of enriched flour. U. S. v. Russell-Miller Milling Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 24059. Sample Nos. 76359-H, 76450-H.)

INFORMATION FILED: February 25, 1948, Northern District of Texas, against the Russell-Miller Milling Co., a corporation, Dallas, Tex.

ALLEGED SHIPMENT: On or about February 13 and March 22, 1947, from the State of Texas into the States of Louisiana and Florida.

LABEL, IN PART: "Enriched Stanard's Reliable Flour," or "American Beauty Self-Rising Enriched Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article had been in part omitted and abstracted.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour, since one shipment contained per pound less than 2 milligrams of thiamine and less than 16 milligrams of niacin and the other shipment contained per pound less than 2 milligrams of thiamine and less than 1.2 milligrams of riboflavin. (The standard requires a minimum of 2 milligrams of thiamine (vitamin B₁), 16 milligrams of niacin or niacin amide, and 1.2 milligrams of riboflavin per pound.) Further misbranding, Section 403 (a), the statements, "8 Ozs. Enriched flour contain not less than the following proportions of the minimum daily requirements of: Thiamine 100% * * * and 8 Mg. of Niacin" and "8 Oz. enriched self-rising flour contain not less than the following proportions of the minimum daily requirements of: Thiamine 100%, Riboflavin 30%," borne on the labels of the respective lots, were false and misleading, since the former contained less thiamine and niacin and the latter contained less thiamine and riboflavin than indicated.

DISPOSITION: February 27, 1948. A plea of nolo contendere having been entered, a fine of \$500 was imposed.

MACARONI AND NOODLE PRODUCTS*

13036. Alleged adulteration of spaghetti and macaroni. U. S. v. 150 Cartons, etc. Tried to the court. Verdict for claimant. Verdict sustained on Government's appeal to circuit court of appeals. Government's request for certiorari to United States Supreme Court denied. (F. D. C. No. 14857. Sample Nos. 73785-F to 73787-F, incl.)

LIBEL FILED: February 27, 1944; amended September 28, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about February 13, 1943, from Denver, Colo.

PRODUCT: 150 10-pound cartons of spaghetti and 25 10-pound cartons of macaroni at Douglas, Ariz., in possession of the Phelps Dodge Mercantile Co.

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 insect fragments, rodent hairs, and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 22, 1945. The Phelps Dodge Mercantile Co. having filed exceptions to the libel, the district court allowed the exceptions and ordered the libel dismissed and the product returned to the claimant. The Government having appealed to the circuit court of appeals, the circuit court of appeals, on September 25, 1946, handed down the following decision sustaining the lower court:

MATHEWS, *Circuit Judge*: "On an amended libel of information filed on September 28, 1945, appellant, the United States, proceeded against 175 cartons

*See also No. 13176.