

DISPOSITION: October 18, 1948. Pleas of guilty having been entered, the defendants were jointly fined \$1,000.

13546. Adulteration of flour. U. S. v. 100 Bags * * * (and 3 other seizure actions). (F. D. C. Nos. 23344, 23347, 23508, 24592. Sample Nos. 77486-H, 77488-H, 85742-H, 91000-H, 32028-K.)

LIBELS FILED: Between July 7, 1947, and April 9, 1948, Western District of Wisconsin, District of Maryland, and Northern District of California.

ALLEGED SHIPMENT: Between June 16, 1947, and March 3, 1948, by the Russell Miller Milling Co., from Grand Forks and Mandan, N. Dak., and Sidney, Mont.

PRODUCT: Flour. 200 100-pound bags at Middleton, Wis., 750 100-pound bags at Cumberland, Md., and 1,000 100-pound bags at San Francisco, Calif.

LABEL, IN PART: "Russell-Miller Occident Milling Company Flour," "Powerful Flour," "Sweet Loaf Flour Bleached," "Occident Flour Bleached Unenriched," or "Producer Flour Bleached Bromated Unenriched."

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 urine and rodent hair; and, Section 402 (a) (4), (Cumberland lot) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 2, 1947. The cases at Middleton, Wis., having been consolidated and the Russell Miller Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of as animal feed, under the supervision of the Food and Drug Administration. On April 20, 1948, the Coast-Dakota Flour Co., San Francisco, Calif., claimant for the San Francisco lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and used for stock feed, under the supervision of the Food and Drug Administration. Of 909 bags seized at San Francisco, 272 bags were denatured and disposed of as stock feed. On August 25, 1947, no claimant having appeared for the Cumberland lot, judgment of condemnation was entered and the flour seized (180 bags) was ordered sold for use as feed for animals, excluding dogs.

13547. Adulteration of flour. U. S. v. 350 Bags * * *. (F. D. C. No. 23991. Sample Nos. 8830-K, 8831-K.)

LIBEL FILED: November 29, 1947, Northern District of New York.

ALLEGED SHIPMENT: On or about October 22, 1947, by Brown's Hungarian Corp., from Dover, Ohio.

PRODUCT: 350 100-pound bags of plain flour and 250 100-pound bags of cake flour at Binghamton, N. Y.

LABEL, IN PART: "The Perfect Patent Flour [or "Daylight Cake Flour"] Milled for Brown's Hungarian Corporation New York City."

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, moth scales, 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: March 13, 1948. The Hardesty Milling Co., Dover, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

13548. Misbranding of flour. U. S. v. 41 Bags, etc. (F. D. C. No. 23422. Sample No. 91890-H.)

LIBEL FILED: August 18, 1947, District of New Mexico.

ALLEGED SHIPMENT: On or about June 16 and 27, 1947, by the Fraser Milling Co., Hereford, Tex.

PRODUCT: 41 50-pound bags and 29 100-pound bags of flour at Albuquerque, N. Mex.

LABEL, IN PART: "Fraser's Sunny-Boy Extra High Quality Flour Mineral Rich."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Mineral Rich!! * * * Wheat Roots, such as pictured above, reach deep into the caliche base of Deaf Smith County soil and assimilate Calcium Phosphorus * * * Calcium and Phosphorus in a high percentage. Sunny-Boy Flour * * * contains more Calcium and Phosphorus than average standard flours," and the design of wheat roots and a man borne on the label were false and misleading since the product contained no more calcium and phosphorus than are found in average standard flours.

DISPOSITION: September 2, 1947. The Fraser Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

13549. Adulteration of noodle products. U. S. v. Anthony Macaroni & Cracker Co., Anthony Bizzarri, and Edward A. Minni. Pleas of nolo contendere. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 24808. Sample Nos. 30928-K, 31302-K.)

INDICTMENT RETURNED: July 28, 1948, Southern District of California, against the Anthony Macaroni & Cracker Co., a partnership, Los Angeles, Calif., and Anthony Bizzarri and Edward A. Minni, partners.

ALLEGED SHIPMENT: On or about November 11, 1947, and January 30, 1948, from the State of California into the State of Nevada.

LABEL, IN PART: "Anthony's La Paloma Pure Egg Noodles" or "Party Brand Egg Fusilli."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect, beetle, larval, 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: November 1, 1948. Pleas of nolo contendere having been entered, imposition of sentence was suspended and the defendants were placed on probation for 1 year.

13550. Adulteration and misbranding of egg noodles. U. S. v. Jaeger Noodle & Potato Chip Co. and Julius F. Jaeger. Pleas of guilty. Defendants each fined \$200 and costs. (F. D. C. No. 24800. Sample No. 19213-K.)

INFORMATION FILED: June 22, 1948, Northern District of Ohio, against the Jaeger Noodle & Potato Chip Co., a partnership, Booth, Ohio, and Julius F. Jaeger, a partner.

ALLEGED SHIPMENT: On or about November 5, 1947, from the State of Ohio into the State of Michigan.

LABEL, IN PART: "Jaeger's Home Style Fresh Egg Noodles."

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 rodent hair fragments; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, the solids of egg or egg yolk, had been in part omitted; and, Section 402 (b) (2), an article deficient in the solids of egg or egg yolk had been substituted in part for egg noodles.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for egg noodles, since the total solids of the food contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: August 17, 1948. Pleas of guilty having been entered, the defendants were each fined \$200, together with costs.

13551. Adulteration of egg noodles. U. S. v. Dante Food Products Co., Inc. Plea of guilty. Fine of \$250 on each of 4 counts. Sentence suspended on counts 2, 3, and 4. (F. D. C. No. 24798. Sample Nos. 6060-K, 6068-K, 6077-K, 7085-K.)

INFORMATION FILED: June 18, 1948, Western District of New York, against Dante Food Products Co., Inc., Buffalo, N. Y.

ALLEGED SHIPMENT: On or about January 17 and 19 and February 4, 1948, from the State of New York into the States of Ohio and Pennsylvania.