

DISPOSITION: The Kellogg Sales Co., Battle Creek, Mich., appeared as claimant and consented to the entry of a decree on the charge under Section 403 (a), but refused to consent to a decree on the issue arising under Section 403 (j).

On November 23, 1948, the court made its finding that the product was misbranded in violation of Section 403 (a), and ordered that the product be condemned and delivered to a public institution. The court ruled further that condemnation effectively disposed of the case and that the issue arising from the charge under Section 403 (j) was moot, and refused to decide such issue and ordered the charge dismissed.

14539. Adulteration of pie crust and pastry mix. U. S. v. 52 Cases * * * (F. D. C. No. 25866. Sample No. 194-K.)

LIBEL FILED: On or about October 27, 1948, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 8, 1947, from Kokomo, Ind.

PRODUCT: 52 cases, each containing 12 8-ounce packages, of pie crust and pastry mix at Atlanta, Ga.

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 insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 17, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed.

14540. Adulteration of doughnut flour mix. U. S. v. 2 Bags * * *. (F. D. C. No. 26513. Sample No. 27340-K.)

LIBEL FILED: February 9, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 4, 1949, by the Dixie Cream Flour Co., from St. Louis, Mo.

PRODUCT: 2 100-pound bags of doughnut flour mix at Springfield, Ill.

LABEL, IN PART: "Dixie Cream Donut 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, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 26, 1949. Default decree of condemnation and destruction.

14541. Adulteration of cereal binder. U. S. v. 17 Bags * * *. (F. D. C. No. 25408. Sample No. 19530-K.)

LIBEL FILED: August 25, 1948, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about January 12 and February 10, 1948, from Fari-bault, Minn.

PRODUCT: 17 100-pound bags of cereal binder at Nashville, Tenn.

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 insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 27, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as hog feed.