

PRODUCT: 20 cases, each containing 36 1-pound bags of rice flour at Salt Lake City, Utah.

LABEL, IN PART: "Mochika Sweet Rice 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 hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 2, 1949. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

15175. Adulteration of macaroni and noodle products. U. S. v. 5 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 27321, 27322. Sample Nos. 11908-K, 11912-K, 11917-K, 11918-K, 11921-K.)

LIBELS FILED: June 13, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 5, 1949, by the Procino-Rossi Corp., from Auburn, N. Y.

PRODUCT: Macaroni and noodle products. 24 cartons, each containing 20 1-pound packages, 4 cartons, each containing 12 1-pound packages and 8 cartons, each containing 12 1-pound packages, at Scranton, Pa.

LABEL, IN PART: "P-R Brand * * * Macaroni Products."

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

DISPOSITION: August 19 and September 20, 1949. Default decrees of condemnation and destruction.

15176. Adulteration of macaroni and spaghetti. U. S. v. 15 Cases, etc. (F. D. C. No. 27353. Sample Nos. 13153-K, 13154-K.)

LIBEL FILED: June 23, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 6 and 27 and May 18, 1949, by the Sorrento Macaroni Co., Inc., from Trenton, N. J.

PRODUCT: 15 20-pound cases of macaroni and 33 20-pound cases of spaghetti at Philadelphia, Pa.

LABEL, IN PART: "Palermo Elbow Macaroni" and Palermo Thin Spaghetti."

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

DISPOSITION: August 3, 1949. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

15177. Adulteration of butter. U. S. v. Middlebury Co-Operative Creamery Co., Inc., Melvin E. Plank, and R. Brian Mauck. Plea of guilty by corpora-

tion; fine of \$500. Pleas of nolo contendere by individual defendants; each fined \$100. Costs also were imposed. (F. D. C. No. 26774. Sample Nos. 15198-K, 15199-K.)

INFORMATION FILED: May 6, 1949, Northern District of Indiana, against the Middlebury Co-Operative Creamery Co., Inc., Middlebury, Ind., Melvin E. Plank, general manager, and R. Brian Mauck, plant superintendent.

ALLEGED SHIPMENT: On or about October 1 and 22, 1948, from the State of Indiana into the State of Illinois.

LABEL, IN PART: (Carton) "Crystal Springs Brand Butter."

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

DISPOSITION: November 10, 1949. A plea of guilty having been entered on behalf of the corporation and pleas of nolo contendere having been entered by the individual defendants, the corporation was fined \$500 and each individual defendant was fined \$100, plus costs.

15178. Adulteration of butter and nonfat dry milk solids. U. S. v. Dyer Creamery, a partnership, and Wayne P. Wallar. Pleas of guilty. Partnership fined \$300 and individual defendant fined \$75, plus costs. (F. D. C. No. 26724. Sample Nos. 14310-K, 15200-K, 42004-K.)

INFORMATION FILED: September 9, 1949, Northern District of Indiana, against the Dyer Creamery, Dyer, Ind., and Wayne P. Wallar, a partner.

ALLEGED VIOLATION: The defendants were charged with giving a false guaranty with respect to a delivery of nonfat dry milk solids and the interstate shipment of two lots of butter. The guaranty was given to the Watseka Dairy Products Co., Watseka, Ill., on or about May 14, 1947, and provided that all nonfat dry milk solids shipped or delivered by the defendant to the Watseka Dairy Products Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about October 27, 1948, the defendants sold and delivered to the Watseka Dairy Products Co., a quantity of nonfat dry milk solids which was adulterated and which was shipped by the latter firm on or about October 27, 1948, from the State of Indiana into the State of Illinois. The interstate shipment of butter was made on or about October 29, 1948, from the State of Indiana into the State of Illinois.

LABEL, IN PART: "Brook View Brand Butter" and "Oak Brand Nonfat Dry Milk Solids * * * Watseka Dairy Products, Watseka, Illinois * * * Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence, in the butter, of insect fragments, insect and fly setae, rodent hairs, and manure fragments, and, in the nonfat dry milk solids, of insect fragments, fly setae, cat hairs, and hairs resembling rodent hairs; and, Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 1, 1949. Pleas of guilty having been entered, the partnership was fined \$300 and the individual defendant was fined \$75, plus costs.