

place of manufacture, in and around the raw materials and substances from which the products were manufactured, and in and around and adjacent to the place where the products were packed for shipment.

The complaint alleged further that the defendants had been warned to remedy the defects and insanitary conditions, but had failed to do so; that, on information and belief, the defendants would continue shipping adulterated foods in interstate commerce unless restrained from so doing, and prayed that they be perpetually enjoined from the commission of such acts; and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: On August 9, 1945, the matter was heard before the court. A temporary injunction was issued enjoining the defendants from shipping any adulterated food or food products in interstate commerce, and temporarily enjoining them from shipping any corn meal or flour manufactured at the time or on hand. On November 19, 1945, the temporary injunction was set aside and dissolved, and the court entered a decree permanently enjoining the defendant from introducing, delivering, or causing to be introduced or delivered for introduction into interstate commerce, any corn meal or flour manufactured or on hand prior to October 21, 1945, the date on which the premises of the defendant were decontaminated.

17504. Action to enjoin and restrain the interstate shipment of adulterated corn meal. U. S. v. Aylor & Meyer Co. and Wilford H. Aylor and Anthony N. Meyer. Decree for injunction entered. (Inj. No. 204.)

COMPLAINT FILED: On or about November 26, 1948, Southern District of Indiana, against Aylor & Meyer Co., a partnership, Aurora and Rising Sun, Ind., and Wilford H. Aylor and Anthony N. Meyer, partners.

NATURE OF CHARGE: That the defendants had been and were at the time of filing the complaint engaged in introducing and causing the introduction into interstate commerce of corn meal which was adulterated under Sections 402 (a) (3) and (4), in that it consisted in part of filthy substances such as rodent hair fragments, rodent excreta fragments, insect larvae, insect fragments, and other filth, and which had been and was being prepared, packed, and held under insanitary conditions at its plants in Aurora and Rising Sun, Ind., whereby it may have become contaminated with filth; that the insanitary conditions in the plants resulted from the presence of rodents, rodent excreta, beetles, weevils, and other insects, and other filthy substances in the areas where the product was being prepared, packed, and held, and in the machinery, equipment, and raw materials used in preparing, packing, and holding the corn meal so prepared; that the insanitary conditions consisted also of, and resulted from, general carelessness on the part of employees; and that these conditions subjected the corn meal produced by the defendants to contamination by filth.

The complaint alleged further that the defendants were continuing to introduce and to cause the introduction of corn meal into interstate commerce, and alleged, on information and belief, that they would continue to do so unless restrained. The complaint prayed the entry of a permanent injunction, and that a preliminary injunction issue, to restrain the defendants during the pendency of the proceedings.

DISPOSITION: On December 17, 1948, the case having been submitted to the court on the complaint and a stipulation of facts, the court entered a decree enjoining and restraining the defendants from introducing and causing to be introduced into interstate commerce corn meal which was adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act.