

since they represented and suggested that the article was prepared from chocolate made in Switzerland, whereas it had been prepared from chocolate of domestic manufacture.

DISPOSITION: July 2, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution after the labels had been destroyed and the product had been inspected by the Food and Drug Administration to determine whether it was, at the time, fit for human consumption.

CEREALS AND CEREAL PRODUCTS

FLOUR

17608. Adulteration and misbranding of flour. U. S. v. Packard Milling Co., a corporation, and Frank A. Gyles and Wilson Gyles. Pleas of nolo contendere. Corporation fined \$275; each individual defendant fined \$5. (F. D. C. No. 30103. Sample Nos. 88325-K to 88327-K, incl.)

INFORMATION FILED: April 10, 1951, Northern District of Texas, against the Packard Milling Co., a corporation, Hereford, Tex., and Frank A. Gyles and Wilson Gyles, president and vice president, respectively, of the corporation.

ALLEGED SHIPMENT: On or about October 12, 1950, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "50 Lbs. Net Cream Loaf Flour Enriched 8 Oz. enriched flour contains not less than the following proportions of the minimum daily requirements of: Thiamine 100%," "5 Lbs. Net Texas Wonder Whole Wheat Flour," or "2 Lbs. Net Packard's Best Flour Enriched Extra High Patent."

NATURE OF CHARGE: Adulteration (Cream Loaf flour enriched and Texas Wonder whole wheat flour), Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, live insects, rodent hairs and fragments, live beetles, larvae, larval head capsules, pupae, and dead beetles; and (all lots), Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding (Cream Loaf flour enriched and Packard's Best flour enriched), Section 403 (g) (1), the products failed to conform to the definition and standard for enriched flour since they contained in each pound less than 2.0 milligrams of thiamine, the minimum permitted by the standard.

DISPOSITION: June 18, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of \$275 against the corporation and a fine of \$5 against each individual defendant.

17609. Adulteration of flour. U. S. v. 78 Bags * * *. (F. D. C. No. 31012. Sample No. 13612-L.)

LIBEL FILED: May 24, 1951, District of Idaho.

ALLEGED SHIPMENT: On or about March 19 and April 27, 1951, from Ogden, Utah.

PRODUCT: 78 50-pound bags of flour at Pocatello, Idaho, in possession of Zion's Wholesale Grocery 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 rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under

insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 21, 1951. Default decree of condemnation and destruction. On July 11, 1951, an amended decree of condemnation was entered and the marshal was ordered to denature the product and to sell it for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

17610. Adulteration of corn flakes and cane sugar. U. S. v. 14 Bags, etc. (F. D. C. No. 31000. Sample Nos. 31075-L, 31076-L.)

LIBEL FILED: May 16, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 11 and October 24, 1950, from Gramercy, La., and Milwaukee, Wis.

PRODUCT: 14 50-pound bags of corn flakes and 5 100-pound bags of cane sugar at Savannah, Tenn., in the possession of the Rhodes Candy Co.

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 excreta and rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 19, 1951. Default decree of condemnation and destruction.

17611. Adulteration of rolled oats. U. S. v. 26 Bags * * *. (F. D. C. No. 31003. Sample No. 15083-L.)

LIBEL FILED: May 24, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about March 31, 1951, from Davenport, Iowa.

PRODUCT: 26 50-pound bags of rolled oats at Omaha, Nebr., in the possession of Dad's Cookie 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 rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 27, 1951. Default decree of condemnation and destruction.

17612. Adulteration of unpopped popcorn. U. S. v. 16 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 30784, 30785. Sample Nos. 11864-L, 11866-L, 11867-L.)

LIBELS FILED: February 28, 1951, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about January 17, 23, and 26, and February 2, 1951, by the Wyandot Popcorn Co., from Marion, Ohio.

PRODUCT: Unpopped popcorn. 16 50-pound bags at Lexington, Ky., and 9 50-pound bags at Paris, Ky.

LABEL, IN PART: (Bag) "Rich in Flavor X-30."

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.

DISPOSITION: April 2, 1951. Default decrees of condemnation and destruction.