

CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCTS***

19151. Adulteration of bread, rolls, and cake. U. S. v. Chester C. Lickey (Hossick Bakery), and Vernon C. Ort. Pleas of nolo contendere. Each defendant fined \$400, together with costs. (F. D. C. No. 32778. Sample Nos. 33631-L, 33635-L, 33638-L, 33642-L.)

INFORMATION FILED: May 27, 1952, Northern District of Indiana, against Chester C. Lickey, trading as the Hossick Bakery, at Elkart, Ind., and Vernon C. Ort, superintendent of the bakery.

ALLEGED SHIPMENT: On or about December 20, 1951, from the State of Indiana into the State of Michigan.

LABEL, IN PART: "Sugar Loaf Bread," "Hossick's Applekuken Rolls," "Hossick's Butterscotch Nut Cake," or "Hossick's Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects and insect fragments in certain of the articles and rodent hairs in others; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 8, 1952. Pleas of nolo contendere having been entered, the court imposed fines of \$100 on each of the 4 counts against each of the defendants, totaling \$800, together with costs.

19152. Adulteration of cookies. U. S. v. Dolly May Cookie Co., Inc. Plea of guilty. Fine, \$1,000. Defendant placed on probation for 2 years. (F. D. C. No. 32768. Sample Nos. 18887-L, 35380-L, 35381-L.)

INFORMATION FILED: April 3, 1952, District of Minnesota, against Dolly May Cookie Co., Inc., Minneapolis, Minn.

ALLEGED SHIPMENT: On or about September 14 and 19, 1951, from the State of Minnesota into the States of Iowa and South Dakota.

LABEL, IN PART: "Dolly May Cookies Raisin Ginger [or "Coconut Bars" or "Fruit Gem"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of flies, larvae, insect fragments, 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 28, 1952. A plea of guilty having been entered, the court fined the defendant \$1,000 on 1 count of the information, suspended sentence on the other 2 counts, and placed the defendant on probation for 2 years.

FLOUR**

19153. Adulteration of flour. U. S. v. 51 Bags, etc. (F. D. C. No. 32646. Sample Nos. 14056-L, 14057-L.)

LIBEL FILED: February 4, 1952, Western District of Texas.

ALLEGED SHIPMENT: On or about November 17, 1951, from Lamar, Colo.

*See also No. 19155.

**See also No. 19156.

PRODUCT: 51 50-pounds bags and 26 25-pound bags of flour at El Paso, Tex., in possession of the American 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 urine and rodent excreta; 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: March 6, 1952. The American Grocery Co. having appeared as claimant, judgment of condemnation was entered and the court ordered that the goods be released under bond to be denatured and labeled as unfit for human consumption under the supervision of the Food and Drug Administration.

19154. Adulteration and misbranding of enriched flour. U. S. v. 1,223 Bags * * *.
(F. D. C. No. 32600. Sample No. 4653-L.)

LABEL FILED: January 17, 1952, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about December 12, 1951, by the Blair Milling Co., from Atchison, Kans.

PRODUCT: 1,223 25-pound bags of enriched flour at Charleston, W. Va.

LABEL, IN PART: "Enriched 8 Oz. of Enriched Flour Contain Not Less Than the Following Proportions of the Minimum Daily Requirements of Vitamin B₁ 100%, Riboflavin 30%, Iron 65%, and 8 Mg. of Niacin. Moon Rose Hard Wheat Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, riboflavin, iron, and niacin, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statement "8 Oz. of Enriched Flour Contain Not Less Than the Following Proportions of the Minimum Daily Requirements of Vitamin B₁ 100%, Riboflavin 30%, Iron 65%, and 8 Mg. of Niacin" was false and misleading since the product contained less than the declared amounts of vitamin B₁, riboflavin, iron, and niacin.

DISPOSITION: March 21, 1952. The Blair Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was brought into compliance with the law by the addition of enriching ingredients.

MISCELLANEOUS CEREAL PRODUCTS

19155. Adulteration of popped popcorn, alleged adulteration of potato chips and Fritos, and alleged misbranding of popped popcorn. U. S. v. So Good Potato Chip Co. and Edward C. Causino. Motion of defendants for return of seized goods and suppression of evidence overruled. Motion of defendants for dismissal of counts 1, 2, 3, 6, and 7 also overruled. Pleas of nolo contendere to counts 1 and 5. Motion of Government for dismissal of counts 2, 3, 4, 6, and 7 granted. Fine of \$750 against company and \$200 against individual. (F. D. C. No. 31078. Sample Nos. 78039-K, 78040-K, 93802-K, 93804-K, 31456-L, 31457-L.)