

interstate commerce, bakery products adulterated as alleged in the complaint. On 9-16-47, after a hearing in the matter, an order was entered rescinding the temporary injunction and dismissing the proceedings.

FLOUR

23407. Flour. (Inj. No. 185.)

COMPLAINT FOR INJUNCTION FILED: 2-4-48, N. Dist. Ohio, against Hardesty Milling Co., a corporation, Dover, Ohio.

CHARGE: The complaint alleged that the defendant had been and was introducing and causing to be introduced and delivering and causing to be delivered, for introduction into interstate commerce, flour which was adulterated within the meaning of 402 (a) (3) and (4) in that it contained insects, insect fragments, larvae, pupae, moth scales, and rodent hair fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions existing in defendant's plan arose out of the presence of beetles, moths, insect webbing, and rodents in and around the machinery and equipment used for preparing flour, thereby contaminating such food and subjecting it to contamination; and, further, that the defendant continued and, unless restrained, would continue to introduce and cause to be introduced, for introduction into interstate commerce, flour adulterated as aforesaid.

DISPOSITION: On 2-13-48, the court issued a temporary injunction enjoining the defendant from introducing or causing to be introduced and delivering or causing to be delivered, for introduction into interstate commerce, flour adulterated within the meaning of Sections 402 (a) (3) and (4). On 9-10-48, the defendant having sold its plant, the action was dismissed.

23408. Flour. (F. D. C. No. 33875. S. Nos. 2-236/41 L.)

QUANTITY: 188 100-lb. bags at Tallahassee, Fla.

SHIPPED: 6-16-52 and 7-15-52, from Springfield, Ill.

LIBELED: 9-24-52, N. Dist. Fla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-30-53. Consent—claimed by Pillsbury Mills, Inc., Springfield, Ill., and converted to animal feed.

MACARONI AND NOODLE PRODUCTS

23409. Egg noodles (2 seizure actions). (F. D. C. Nos. 33674, 34063. S. Nos. 33-811 L, 34-690 L, 53-711 L.)

QUANTITY: 136 cases, 24 5-oz. bags each, at Detroit, Mich., and 15 cases, 24 5-oz. bags each, and 25 cases, 24 8-oz. bags each, at Granite City, Ill.

SHIPPED: Between 6-20-52 and 7-28-52, from St. Louis, Mo., by American Beauty Macaroni Co.

LABEL IN PART: (Bag) "American Beauty Tenderized Pure [or "Kringly 'Non-Skid'"] Egg Noodles * * * Contains 5½% Egg Solids."

LIBELED: 9-4-52, S. Dist. Ill., and 9-23-52, E. Dist. Mich.

CHARGE: 402 (b) (1)—a valuable constituent, egg, had been in whole or in part omitted from the article when shipped; 403 (a)—the label statement "contains 5½% Egg Solids" was false and misleading; and 403 (g) (1)—the article contained less than 5½ percent by weight of the solids of egg or egg

yolk, the minimum permitted by the definition and standard of identity for noodles.

DISPOSITION: The American Beauty Macaroni Co., claimant, filed an answer in each case, denying that the article was adulterated or misbranded as alleged. Pursuant to a stipulation entered into between counsel for the claimant and the United States attorneys, an order was entered on 11-14-52 transferring the case brought in the Eastern District of Michigan to the Southern District of Illinois for the purpose of consolidation with the Illinois case. Thereafter, interrogatories served upon the claimant by the Government were answered.

The claimant having consented, the court entered an order on 10-30-53 condemning the article and ordering that it be delivered to charitable institutions. It was found that since the 136-case lot, which had been in the possession of the marshal after seizure, had been inadvertently destroyed, the decree was amended on 3-10-54 to delete the order of delivery for that lot.

MISCELLANEOUS CEREALS

23410. Unpopped popcorn. (F. D. C. No. 39300. S. No. 35-177 M.)

QUANTITY: 28 cases, 24 1-lb. bags each, at Somerset, Ky.

SHIPPED: 9-1-55, from Muncie, Ind.

LIBELED: 7-13-56, E. Dist. Ky.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-14-56. Default—sold for conversion to animal feed.

23411. Wheat. (F. D. C. No. 39179. S. No. 40-999 M.)

QUANTITY: 93,600 lbs. at Minneapolis, Minn.

SHIPPED: 7-13-56, from Regan, N. Dak., by Regan Farmers Union Co-Op.

LIBELED: 8-1-56, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 8-16-56. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 8,050 lbs. to be disposed of for use as animal feed.

CONFECTIONERY

23412. Candy. (Inj. No. 9.)

COMPLAINT FOR INJUNCTION FILED: 2-25-41, against Mrs. I. G. Edwards, t/a Sunshine Peanut Butter Co., Atlanta, Ga.

CHARGE: The complaint alleged that the defendant had been manufacturing, packing, and shipping candy under insanitary conditions whereby the candy may have become contaminated with filth; that such food consisted in whole or in part of a filthy, putrid, and decomposed substance which was unfit for food and adulterated within the meaning of 402 (a) (3) and (4); and that such food was being offered for interstate shipment at various intervals and was being shipped in interstate commerce.

The complaint alleged further that various inspections made by Food and Drug inspectors revealed the existence of insanitary conditions and that the defendant was warned to remedy the defects existing in her method of operation and not to ship adulterated candy in interstate commerce in violation of the Federal Food, Drug, and Cosmetic Act; that despite such warnings, the defendant had failed to remedy such defects and was continuously manu-