

"However reprehensible or fraudulent the conduct of Rutstein and his associates may have been, the evidence adduced at the trial was wholly insufficient to sustain the charges of violation of 21 U.S.C. §§ 331(m), 333(b) and 347(b), or of conspiracy to violate these statutes.

"Defendant's motion for a judgment of acquittal is granted as to both remaining counts."

## SPICES, FLAVORS, AND SEASONING MATERIALS

**25991. Anise seed.** (F.D.C. No. 43469. S. No. 22-532 P.)

**QUANTITY:** 10 200-lb. drums at Omaha, Nebr.

**SHIPPED:** 9-4-59, from Chicago, Ill., by Kearns & Smith Spice Co.

**LABEL IN PART:** "K and S \* \* \* Whole Recleaned Anise \* \* \* Packed by Kearns & Smith Spice Company \* \* \* Chicago 24, Illinois."

**LIBELED:** 10-8-59, Dist. Nebr.

**CHARGE:** 402(a)(3)—contained mouse excreta pellets when shipped.

**DISPOSITION:** 10-26-59. Default—destruction.

**25992. Frozen green chili.** (F.D.C. No. 43029. S. No. 58-835 P.)

**QUANTITY:** 30 cases, 12 ½-lb. ctns. each, at Denver, Colo.

**SHIPPED:** 4-21-59, from Albuquerque, N. Mex., by Best Mexican Foods.

**LABEL IN PART:** (Ctn.) "Burrito Brand Baca's Frozen Green Chili Prepared & Packed By Best Mexican Foods, 521 Rio Grande Blvd., N.W., Albuquerque, N.M."

**RESULTS OF INVESTIGATION:** Examination showed the article to be short weight.

**LIBELED:** 5-26-59, Dist. Colo.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents since the label statement "Net Weight ½ Lb." was inaccurate; and 403(f)—the statement of the quantity of contents was not prominently placed on the article with such conspicuousness( as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since it was illegible.

**DISPOSITION:** 7-6-59. Default—delivered to a Federal institution.

**25993. Monosodium glutamate.** (F.D.C. No. 43521. S. No. 64-211 P.)

**QUANTITY:** 1 100-lb. drum at Providence, R.I.

**SHIPPED:** 6-26-59, from Boston, Mass., by Packer's Laboratory, Inc.

**LABEL IN PART:** "99% Monosodium Glutamate ZEST B 42 STB STD Mfd. by A. E. Staley Mfg. Co., Decatur, Illinois."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained 4.9 percent salt.

**LIBELED:** On or about 9-9-59, Dist. R.I.

**CHARGE:** 402(b)(2)—when shipped, salt had been substituted in part for glutamate; and 402(b)(4)—salt had been added to the article so as to increase its bulk or weight and reduce its quality or strength.

**DISPOSITION:** 10-9-59. Default—delivered to charitable institutions.