

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26451-26550.**

Adulteration, Section 402(a) (2), the article, in five cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406, and, in two cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 406, a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity in excess of the tolerance prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of contents in terms of weight or measure; Section 403(g) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations and it fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g), and (1) its label failed to bear the common or usual name of the food; and (2) it was fabricated from two or more ingredients and its label failed to bear the common name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; Section 403(k), the article contained a chemical preservative and its label failed to state that fact.

CEREALS AND CEREAL PRODUCTS

FLOUR

26451. Flour. (F.D.C. No. 43596. S. No. 64-156 P.)

QUANTITY: 60 100-lb. bags at Lawrence, Mass.

SHIPPED: 6-23-59, from Buffalo, N.Y.

LIBELED: 10-14-59, Dist. Mass.

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

DISPOSITION: 2-1-60. Default—delivered to a public institution for use as animal feed.

26452. Flour. (F.D.C. No. 44022. S. Nos. 78-030/2 P.)

QUANTITY: 2,000 100-lb. bags at Harbor Beach, Mich., in possession of Hercules Powder Co., Huron Milling Div.

SHIPPED: Between 6-30-59 and 10-28-59, from Chicago, Ill.; Denver, Colo.; and Coffeyville, Kans.

LIBELED: 1-5-60, E. Dist. Mich.; libel amended 1-6-60.

CHARGE: 402(a)(3)—contained rodent excreta pellets and rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-2-60: Consent—claimed by Hercules Powder Co., Wilmington, Del. Segregated; 1,998 bags denatured.

26453. Flour. (F.D.C. No. 44362. S. No. 87-523 P.)

QUANTITY: 50 100-lb. bags at Sylvania, Ga., in possession of Alfred Dorman Co.

SHIPPED: 1-18-60, from Yukon, Okla.

LIBELED: 3-4-60, S. Dist. Ga.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-14-60. Default—destruction.

26454. Flour. (F.D.C. No. 44106. S. Nos. 36-563/4 R.)

QUANTITY: 264 100-lb. bags at Honesdale, Pa., in possession of J. H. Stegner & Sons.

SHIPPED: 11-4-59, from Minneapolis, Minn.

LIBELED: 3-24-60, M. Dist. Pa.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-18-60. Default—80 bags delivered to a public institution for use as animal feed; remainder destroyed.

26455. Flour. (F.D.C. No. 42442. S. Nos. 6-757 P, 7-695 P.)

INFORMATION FILED: 4-30-59, Dist. Mass., against Allied Baking Co., a corporation, Springfield, Mass., and Manning I. Silver, president and treasurer of the corporation.

ALLEGED VIOLATION: Between 4-25-58 and 9-9-58, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the flour to be held in a building accessible to insects and caused the flour to be exposed to contamination by insects, by placing the flour in an insect-contaminated flour conveying system in such building, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-25-60. Corporation fined \$500; individual placed on probation for 2 years.

26456. Flour. (F.D.C. No. 44113. S. No. 81-263 P.)

QUANTITY: 539 100-lb. bags at Cleveland, Ohio.

SHIPPED: 2-2-60, from Minneapolis, Minn.

LIBELED: 4-1-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained rodent urine while in interstate commerce.

DISPOSITION: 5-6-60. Consent—claimed by New York, Chicago, & St. Louis Railroad Co. Segregated; 296 bags denatured for use as animal feed.