

SHIPPED: 7-23-59, from Detroit, Mich., to Toledo, Ohio.

LABEL IN PART: (Pkg.) "Prince Vitamin Enriched Thin Spaghetti 1 lb. Net, Prince Macaroni Co., Gen'l Offices, Lowell, Mass.,"; "Prince Enriched Macaroni Elbows NET WEIGHT ONE POUND Prince Macaroni Mfg. Co. General Offices, Lowell, Mass.,"; "Prince Enriched Pure Egg Noodles Net Wt. 16 oz. Prince Macaroni Co. Lowell, New York, Rochester, Detroit, Chicago, Miami."

RESULTS OF INVESTIGATION: Analysis indicated that the enriched egg noodles contained only 3.66 percent solids of egg or egg yolk.

CHARGE: 402(a)(3)—when shipped, the spaghetti, macaroni, and egg noodles contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions; and 403(g)(1)—when shipped, the egg noodles failed to conform to the definition and standard of identity for enriched egg noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk.

PLEA: Guilty.

DISPOSITION: 9-27-62. \$2,000 fine.

28311. Egg noodles. (F.D.C. No. 46954. S. Nos. 17-402/7 T, 17-409 T.)

QUANTITY: 9,268 cases, each containing 4 5-lb. boxes, at Columbus, Ohio.

SHIPPED: Between 2-2-61 and 6-13-61, from Brooklyn, N.Y., by Paramount Macaroni Manufacturing Co., Inc.

LABEL IN PART: (Box) "Noodles, Egg 5 lbs. Net * * * Paramount Macaroni Mfg. Co., Inc., Brooklyn, N. Y."

LIBELED: 2-1-62, S. Dist. Ohio.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, egg or egg yolk solids, had been in whole or in part omitted from the article; and 403(g)(1)—the article failed to conform to the definition and standard of identity for egg noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: 5-16-62. Consent—delivered to a public agency for use as macaroni.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

28312. Wheat. (Inj. No. 337.)

COMPLAINT FOR INJUNCTION FILED: 7-8-58, E. Dist. Wash., against Rosalia Producers, Inc., Rosalia, Wash.

CHARGE: The complaint alleged that the defendant was engaged in operating at Balder, Wash., a grain elevator facility consisting of a central building housing certain elevator equipment and a number of wheat storage bins, a flat house located south of the central building and a flat house located north of the central building for the storage and distribution of wheat for human consumption, and that the defendant was causing to be introduced into interstate commerce, wheat which was adulterated within the meaning of 402(a)(4), by reason of being held at defendant's elevator facility under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the presence of bird excreta in the head house and on the braces of the central building, rat and mouse tracks on the cross members of the boot

pit in the central building, bird excreta on the edges of the wheat bins in the north flat house, dead rodents in the tunnel containing a screw conveyer between the storage bins in the north flat house, and rodent excreta pellets near the end of the tunnel and on the ledges of the doors opening into two of the storage bins in the north flat house, dead mice on the floor of the south flat house, hundreds of rodent excreta pellets in the corners of the south flat house, piles of bird excreta along the south wall above the wheat in storage in the south flat house, and a dead mouse, a large clump of bird excreta, and many rodent excreta pellets on the surface of the wheat stored in the south flat house.

DISPOSITION: On 7-8-58, the court entered a temporary restraining order enjoining the defendant against introducing into interstate commerce and delivering to persons in the State of Washington who were known to be engaged in the distribution of wheat in interstate commerce, wheat for human consumption which was adulterated as alleged in the complaint. The defendant was further enjoined against causing such acts of introduction and delivery unless and until

(a) the elevator buildings consisting of a central building, a flat house south of the central building and a flat house north of the central building are thoroughly cleaned, renovated, and rendered suitable for the storage of wheat for human consumption, to wit, unless and until all rodent and bird filth is removed from said buildings and the equipment used in storing such wheat is cleaned, all rodent and bird infestation in said buildings is eliminated, the means of ingress and egress of the buildings by rodents and birds are closed; and any similar insanitary conditions which may result in the contamination of wheat for human consumption while held in said buildings are eliminated;

(b) all of the wheat which is on hand in said elevator buildings at the time said buildings are cleaned, renovated, and rendered suitable for the storage of food for human consumption is destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and thus brought into compliance with the provisions of the Act, all costs of said supervision to be borne by the defendant; and

(c) an inspection is made of said elevator buildings by a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and a report made to the court which shows that the above described or any similar insanitary conditions no longer exist and that the wheat described in subparagraph (b) above has been destroyed, denatured, or brought into compliance with the law as provided in said subparagraph (b).

On 7-16-58, an order was entered permitting the removal from the defendant's grain elevator facility at Balder, Wash., for delivery to a firm at Spokane, Wash., of 30,000 bushels of wheat for cleaning and renovation.

On 7-30-58, the court, having found that the north and central buildings of the defendant's grain elevator facility were clean and sanitary, a permanent injunction was entered with respect to the use of the south flat house building, which enjoined the defendant against the storage in such building of wheat for human consumption unless and until the construction of the building was altered so that the insanitary conditions of such building were eliminated.

On 11-7-58, it appearing that the defendant had complied with all of the orders of the court, an order was entered for dismissal of the action.

28313. Wheat. (F.D.C. No. 45814. S. No. 27-476 R.)

QUANTITY: 90,000 lbs. at Minneapolis, Minn.

SHIPPED: 5-8-61, from Mansfield, S. Dak., by Farmers Union Grain Terminal Association.

LIBELED: 5-29-61, Dist. Minn.

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

DISPOSITION: 6-7-61. Consent—claimed by Farmers Union Grain Terminal Association. Segregated; 4,430 lbs. denatured for use as animal feed.

28314. Wheat. (F.D.C. No. 45834. S. No. 54-161 R.)

QUANTITY: 88,000 lbs. at Duluth, Minn.

SHIPPED: 5-17-61, from Wishek, N. Dak., by Union Elevator Co.

LIBELED: 6-14-61, Dist. Minn.

CHARGE: 402(a) (2) (B)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 6-26-61. Consent—claimed by Union Elevator Co. Segregated; 12,410 lbs. destroyed.

28315. Wheat. (F.D.C. No. 46997. S. No. 35-074 T.)

QUANTITY: 125,000 lbs. at Minneapolis, Minn.

SHIPPED: 1-11-62, from Pollock, S. Dak., by Pollock Farmers Elevator Co.

LIBELED: 1-26-62, Dist. Minn.

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

DISPOSITION: 2-2-62. Consent—claimed by Pollock Farmers Elevator Co., and denatured.

28316. Wheat. (F.D.C. No. 47034. S. No. 34-163 T.)

QUANTITY: 93,000 lbs. at Minneapolis, Minn.

SHIPPED: 1-23-62, from Pollock, S. Dak., by Pollock Farmers Elevator Co.

LIBELED: 2-13-62, Dist. Minn.

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

DISPOSITION: 2-20-62. Consent—claimed by Pollock Farmers Elevator Co., and denatured.

28317. Wheat. (F.D.C. No. 47050. S. No. 27-534 T.)

QUANTITY: 108,000 lbs. at Kansas City, Mo.

SHIPPED: 2-5-62, from Phillipsburg, Kans., by Dean Grain Co.

LIBELED: 3-7-62, W. Dist. Mo.

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

DISPOSITION: 3-9-62. Consent—claimed by Mid-Continent Grain Co., Kansas City, Mo. Segregated; 7,260 lbs. destroyed.