

8-14-62, the claimant filed an answer claiming the article and denying that it was misbranded as charged.

On 11-1-62, the claimant having consented, without prejudice, solely for the purpose of avoiding the expense of litigation and otherwise contesting the claims of the Government, an order of condemnation was entered. The article was delivered to a charitable institution.

CEREALS AND CEREAL PRODUCTS

CORNMEAL*

28504. Cornmeal and shelled peanuts. (F.D.C. No. 43054. S. Nos. 21-230 P, 55-469 P.)

INFORMATION FILED: 4-15-59, E. Dist. Okla., against S. D. Giacomo & Co., a partnership, and Vito Barzellone, partner and manager, Krebs, Okla.

ALLEGED VIOLATION: Between 9-29-58 and 12-12-58, while quantities of peanuts and cornmeal were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to rodents and birds and to be exposed to contamination by rodents and birds, thereby causing the articles to become adulterated.

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

PLEA: Nolo contendere.

DISPOSITION: 5-26-59. Partnership—\$200 fine; individual—\$250 fine.

28505. Cornmeal. (F.D.C. No. 48114. S. Nos. 5-341/3 T.)

QUANTITY: 35 bales, each containing 10 5-lb. bags, and 50 bales, each containing 25 2-lb. bags of cornmeal; and 30 bales, each containing 25 2-lb. bags of self-rising cornmeal, at Norfolk, Va.

SHIPPED: 8-31-62, from Como, N.C., by Chowan Milling Co., Inc.

LABEL IN PART: (Bag) "Mechanically Packed and Weighed White Old Time Stone Ground Plain Corn Meal * * * Milled By Chowan Milling Co., Inc., Como, N.C." and "White Old Time Stone Ground Self-Rising Corn Meal Milled by Chowan Milling Co., Inc., Como, N.C."

LIBELED: 9-18-62, E. Dist. Va.

CHARGE: 402(a)(3)—contained whole insects (2 lots); and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-10-62. Default—delivered to a Federal institution for use as animal feed.

28506. Cornmeal. (F.D.C. No. 47982. S. No. 41-770 T.)

QUANTITY: 42 100-lb. bags at Garfield, N.J.

SHIPPED: 6-22-62 and 7-5-62, from New York, N.Y.

LIBELED: 8-21-62, Dist. N.J.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 10-11-62. Consent—destruction.

*See also Nos. 28514, 28519, 28572, 28589.