

## MACARONI PRODUCTS

**706. Misbranding of macaroni. U. S. v. 61 Cartons of Macaroni. Default decree of condemnation and destruction.** (F. D. C. No. 1101. Sample No. 86404-D.)

The packages containing this product were filled to about 56 percent of their capacity.

On November 29, 1939, the United States attorney for the District of Maine filed a libel against 61 cartons of macaroni at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about October 13 and November 1, 1939, by A. Zerega's Sons, Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: (Packages) "IGA Elbow Macaroni \* \* \* Packed for Independent Grocers' Alliance Distributing Company, New York."

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**707. Adulteration of macaroni and spaghetti. U. S. v. 5 Cases of Macaroni and 17 Cases of Spaghetti. Default decree of condemnation and destruction.** (F. D. C. Nos. 1263, 1264. Sample Nos. 71308-D, 71310-D.)

These articles had been shipped in interstate commerce and were in interstate commerce at the time they were examined, at which time they were found to be insect-infested.

On January 5, 1940, the United States attorney for the District of Arizona filed a libel against 5 cases of macaroni and 17 cases of spaghetti at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce on or about September 15, 1937, and August 18, 1938, by the Anthony Macaroni & Cracker Co., Inc., from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. They were labeled in part: (Case) "La Paloma Brand \* \* \* Macaroni [or "Mission Brand \* \* \* Spaghetti"] Anthony Macaroni and Pretzel Co. Inc. Los Angeles, Calif."

On April 15, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**708. Misbranding of spaghetti. U. S. v. 198 Cases of Spaghetti. Decree of condemnation. Product released under bond for relabeling and reconditioning.** (F. D. C. No. 814. Sample No. 47651-D.)

The containers of this product were misleading since their contents occupied on an average only about 42 percent of their capacity.

On October 25, 1939, the United States attorney for the District of Maryland filed a libel against 198 cases of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by Philadelphia Macaroni Co. from Philadelphia, Pa.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: "Gold Seal Brand Spaghetti American Stores Co., Phila., Distributors."

On November 17, 1939, judgment of condemnation was entered and the product was ordered released to the claimant under bond for reconditioning and relabeling. It was repacked in 50-pound boxes and was properly relabeled.

**709. Adulteration and misbranding of noodles. U. S. v. 14 Cases of Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 1594. Sample Nos. 14101-E, 14103-E, 14104-E.)

This product contained a yellow coal-tar color, tartrazine.

On March 7, 1940, the United States attorney for the District of New Jersey filed a libel against 14 cases of noodles at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about February 9 and 16, 1940, by V. Arena & Sons, Inc., from Norristown, Pa.; and charging that it was adulterated and misbranded. It was labeled in part: (Packages) "Conte Luna Pure Egg Noodles."

It was alleged to be adulterated in that an artificially colored product had been substituted for pure egg noodles. It was alleged to be adulterated further in that artificial color had been added thereto so as to make it appear better or of greater value than it was with respect to egg content.

It was alleged to be misbranded in that the statement in the labeling, "Pure Egg Noodles \* \* \* Made from semolina and egg yolk," was false and misleading as applied to an article that contained artificial color.

On May 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### FEED

**710. Misbranding of cottonseed meal. U. S. v. The Southland Cotton Oil Co. Plea of guilty. Fine, \$50. (F. D. C. No. 934. Sample Nos. 6002-D, 6003-D.)**

This product was short weight.

On April 20, 1940, the United States attorney for the Northern District of Texas filed an information against the Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment on or about September 4, 1939, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. It was labeled in part: "100 Pounds Net Chickasha Prime 43% Protein Cottonseed Cake or Meal."

It was alleged to be misbranded in that the statement "100 Pounds Net" on the tags attached to the sacks, was false and misleading in that said sacks did not contain 100 pounds net but did contain a less amount. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On May 17, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

**711. Adulteration and misbranding of wheat gray shorts and ground wheat screenings. U. S. v. General Mills, Inc. (Washburn Crosby Co.). Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 943. Sample No. 6901-D.)**

Wheat brown shorts had been substituted in whole or in part for wheat gray shorts in this product, which also contained fiber in excess of the amount declared.

On May 13, 1940, the United States attorney for the Western District of Missouri filed an information against General Mills, Inc., trading as Washburn Crosby Co., at Kansas City, Mo., alleging shipment on or about July 19, 1939, from the State of Missouri into the State of Kansas of a quantity of the above-named product, which was adulterated and misbranded. It was labeled in part: "Washburn's Gold Medal."

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the statements, "Wheat Gray Shorts and \* \* \* Screenings" and "Crude Fiber not more than 6.0%," borne on the labels, were false and misleading since it consisted in whole or in part of wheat brown shorts and screenings and contained more than 6 percent of crude fiber. It was alleged to be misbranded further in that it was offered for sale and sold under the name of another article.

On June 6, 1940, a plea of nolo contendere was entered on behalf of the defendant, and a fine of \$100 and costs was imposed.

**712. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Rodney Milling Co. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 944. Sample No. 5983-D.)**

Wheat brown shorts had been substituted in whole or in part for wheat gray shorts in this product, which also contained fiber in excess of the amount declared.

On May 8, 1940, the United States attorney for the Western District of Missouri filed an information against the Rodney Milling Co., at Kansas City, Mo., alleging shipment on or about September 13, 1939, from the State of Missouri into the State of Texas of a quantity of the above-named product, which was adulterated and misbranded.

It was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the statements, "Wheat Gray Shorts and \* \* \* Screenings" and "Crude Fiber not more than 6 percent," borne on the label, were false and misleading since it consisted in whole or in part of wheat brown shorts and screenings and contained more than 6 percent of crude fiber. It was alleged to be misbranded further in that it was offered for sale and sold under the name of another food.

On May 27, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 with costs.