

1410. Misbranding of spaghetti and macaroni dinners. U. S. v. 19 Cases of Spaghetti, Sauce, and Cheese, and 17 Cases of Macaroni and Cheese. Default decrees of condemnation. Products ordered delivered to a Federal institution. (F. D. C. Nos. 2405, 2406. Sample Nos. 4046-E, 4047-E.)

The spaghetti dinner consisted of spaghetti, sauce, and cheese, each in a separate container and all enclosed in an outer carton. The products together occupied about 71 percent of the available space in the outer carton; the spaghetti occupied about 49 percent of its carton and the box of cheese was less than 60 percent full.

The macaroni dinner consisted of macaroni and a box of cheese which was attached to the top of the package by a special flap. The macaroni occupied only about 40 percent of the available space in the package, and the cheese only about 78 percent of the box in which it was packed. The cheese in both products contained added milk solids and its boxes were unlabeled.

On July 25, 1940, the United States attorney for the Eastern District of Michigan filed libels against 19 cases of the above-named products at Detroit, Mich., alleging that the articles had been shipped in interstate commerce on or about May 25 and June 20, 1940, by the Emm-An-Cee Co. from Chicago, Ill.; and charging that they were misbranded. They were labeled in part: "A complete meal 3 in 1 * * * Spaghetti Dinner"; "In a Jiffy * * * Macaroni Dinner."

The articles were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading. The cheese in both products was alleged to be misbranded in that it was in package form and did not bear the name and place of business of the manufacturer, packer, or distributor; nor an accurate statement of the quantity of the contents. The cheese was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear the common or usual name of each ingredient.

On September 5, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a Federal correctional institution.

1411. Adulteration of canned spaghetti. U. S. v. 33 Cases of Canned Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 3482. Sample No. 6768-E.)

The tomato sauce constituting a part of this product contained excessive mold.

On December 9, 1940, the United States attorney for the District of Idaho filed a libel against 33 cases of canned spaghetti at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by Safeway Stores, Inc., from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sonny Boy Brand * * * Spaghetti."

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

Nos. 1412 to 1416, inclusive, of this publication report the seizure and disposition of butter that was found to contain mold.

1412. Adulteration of butter. U. S. v. 2,020 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 4221. Sample No. 42509-E.)

On March 19, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 2,020 pounds of butter at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about March 8, 1941, by the Blue Valley Creamery Co. from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: (Wrapper) "Budget Brand Butter * * * Distributed by Globe Wholesale, Inc., Johnstown, Pennsylvania"; (shipping carton) "Glessner Bros., Johnstown, Pa."

On April 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Glosser