

5113. Adulteration of macaroni products. U. S. v. 327 Packages of Macaroni Products (and 5 additional seizure actions against macaroni product/Default decrees of condemnation and destruction. (F. D. C. Nos. 9951, 9955, incl., 10012. Sample Nos. 23288-F, 23291-F to 23294-F, incl., 28958-F.)

These products contained rodent hair fragments, and insect fragments, and one lot contained human hair fragments.

On May 15 and 26, 1943, the United States attorneys for the Eastern District of Pennsylvania and the Eastern District of South Carolina filed libels against 959 packages and 12 cases of macaroni products at Philadelphia, Pa., and 120 boxes of macaroni products at Columbia, S. C., alleging that the articles had been shipped in interstate commerce within the period from on or about April 19 to 28, 1943, by the Cardinale Macaroni Mfg. Co., Inc., from Brooklyn, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Cardinale Grade A Macaroni".

On June 12 and July 12, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5114. Adulteration of egg noodles, spaghetti, and macaroni, and misbranding of spaghetti. U. S. v. 70 Cartons of Egg Noodles and 86 Cartons of Spaghetti (and 2 additional seizure actions against alimentary paste products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9756, 9855, 10110. Sample Nos. 6701-F, 6707-F, 6740-F, 43307-F, 43308-F, 43310-F.)

This product contained rodent hairs, hairs resembling rodent hairs, and insect fragments.

Between April 8 and June 19, 1943, the United States attorneys for the Western District of Tennessee and the Western District of Oklahoma filed libels against 70 cartons of egg noodles and 769 cartons of spaghetti at Memphis, Tenn., and 91 cartons of macaroni and 114 cartons of spaghetti at Prague, Okla., alleging shipment within the period from on or about December 29, 1942, and April 27, 1943, by the Domino Macaroni Co. from Springfield, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Domino Durum Wheat * * * Long Spaghetti," or "Blue Jay Spaghetti" [on portions, "Our product is manufactured in a modern plant under the most sanitary conditions, or "Western Delight Brand Macaroni [or "Spaghetti"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Portions of the article were alleged to be misbranded in that the statement, "Our product is manufactured in a modern plant under the most sanitary conditions," borne on some of the labels, was false and misleading as applied to a food manufactured under insanitary conditions.

On May 24 and July 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5115. Adulteration and misbranding of macaroni. U. S. v. 15 Cases of Macaroni (and 8 additional seizure actions against alimentary paste products). Default decrees of condemnation. One lot ordered delivered to a charitable institution. The remaining lots ordered destroyed. (F. D. C. Nos. 9723, 9831, 9996, 9997, 10009, 10021, 10085, 10086, 10101. Sample Nos. 19634-F, 19636-F, 22046-F, 23234-F, 23260-F, 23295-F to 23298-F, incl., 23705-F, 23706-F.)

Portions of the product contained insect fragments and rodent or cat hair fragments. The remainder was artificially colored to simulate alimentary pastes containing a higher proportion of egg than was present.

Between March 29 and June 16, 1943, the United States attorneys for the Eastern and Western Districts of Pennsylvania and the District of Massachusetts filed libels against 620 cases, each containing 20 packages, of various alimentary paste products at Philadelphia, Pa., 78 cartons, each containing 20 packages, of various alimentary paste products at Boston, Mass., and 150 cartons, each containing 20 packages, of various alimentary paste products at Indiana, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about February 1 to May 20, 1943, by the Vittoria Macaroni Co. from Maspeth, N. Y.; and charging that it was adulterated and misbranded. Portions of the article were labeled in part: "Vittoria Fusilli Col-Buco," "Indiana Brand," "Lion Brand," or "Vittoria Specialties." One lot was labeled in part "Indiana Brand Fusilli Made from No. 1 Semolina Guaranteed to comply with State and Federal Pure Food Laws * * * Manufactured by Indiana Macaroni Co., Inc., Indiana, Pa."

The lots located at Boston, Mass., Indiana, Pa., and all but two of the lots located at Philadelphia, Pa., were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. Two of the lots located at Philadelphia, Pa., were alleged to be adulterated (1) in that a valuable constituent, egg, had been in whole or in part omitted therefrom; (2) in that artificially colored alimentary paste deficient in egg solids had been substituted wholly or in part for egg alimentary paste, which the article purported to be; (3) in that inferiority had been concealed by the addition of artificial color; (4) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (5) in that it contained coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law. The lots located at Philadelphia were also alleged to be misbranded in that the name "Egg Fusilli," appearing on the label, was false and misleading as applied to an alimentary paste deficient in egg solids and artificially colored.

The lot located at Indiana, Pa., was alleged to be misbranded in that the statement "Guaranteed to comply with State and Federal Pure Food Laws" was false and misleading as applied to a filthy product prepared under insanitary conditions. It was alleged to be misbranded further in that the statement "Manufactured by Indiana Macaroni Co., Inc., Indiana, Pa.," was false and misleading since the article was manufactured by the Vittoria Macaroni Co., Maspeth, N. Y.

Between April 20, 1943, and August 2, 1943, no claimant having appeared, judgments of condemnation were entered. One of the lots located at Philadelphia, Pa., was ordered distributed to a charitable institution. The remaining lots were ordered destroyed.

5116. Misbranding of spaghetti and macaroni dinners. U. S. v. 84 Cases of Spaghetti Dinner and 24 Cases of Macaroni Dinner. Default decree of condemnation and destruction. (F. D. C. No. 9870. Sample Nos. 23266-F to 23268-F, incl.)

The packages labeled "Spaghetti Dinner" contained ingredients that were short of the declared weight, and both ingredients in the package labeled "Macaroni Dinner" were short-weight and deceptively packaged.

On April 28, 1943, the United States attorney for the District of New Jersey filed a libel against 84 cases of Spaghetti Dinner and 24 cases of Macaroni Dinner at Trenton, N. J., alleging that the articles had been shipped in interstate commerce on or about March 25, 1943, by the Kurtz Brothers Corporation from Bridgeport, Pa.; and charging that they were misbranded. The articles were labeled in part: "Kurtz King Brand Complete Spaghetti Dinner," or "Magic Chef Spaghetti [or "Macaroni"] Dinner."

The articles were alleged to be misbranded in that the statements (outer package of Kurtz King Brand Spaghetti Dinner), "Grated Cheese * * * Net Weight ½ Ounce Spaghetti * * * Net Weight 8 Ozs.," (inner spaghetti cartons) "Net Weight 8 Ounces," (outer packages of Magic Chef Spaghetti dinner) "Spaghetti * * * Net Weight 8 Ozs. * * * Cheese * * * Net Weight ½ Oz.," (outer packages of Magic Chef Macaroni Dinner) "6 Ozs. Semolina Macaroni * * * 1¼ Oz. Grated Cheese," (envelopes containing macaroni) "Net Weight 6 Ounces," and (envelopes containing cheese) "Net Weight 1¼ Oz.," were false and misleading as applied to articles that were short weight. They were alleged to be misbranded further in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents. The Magic Chef Macaroni Dinner was alleged to be misbranded further in that its container was so filled as to be misleading, since the envelopes of macaroni and cheese occupied only 62 percent of the volume of the carton.

On June 4, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

BAKERY PRODUCTS

5117. Adulteration of bread. U. S. v. Edward W. Mootz (E. W. Mootz Bakery). Plea of nolo contendere. Defendant placed on probation for 1 year. No fine imposed. (F. D. C. No. 9621. Sample Nos. 24292-F, 24365-F, 24397-F, 24399-F.)

This product contained rodent hair fragments and insect fragments.

On May 15, 1943, the United States attorney for the Southern District of West Virginia filed an information against Edward W. Mootz, trading as E. W. Mootz Bakery at Huntington, W. Va., alleging shipment within the period from on or