

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

about November 10, 1942, to January 8, 1943, from the State of West Virginia into the States of Kentucky and Ohio of a quantity of bread that was 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. The article was labeled in part: "Mootz's Butereg Bread," or "Honey Crushed * * * Wheat Bread."

On May 24, 1943, the defendant having entered a plea of nolo contendere, the court placed the defendant on probation for 1 year and imposed no fine.

5118. Adulteration and misbranding of ice box cookies. U. S. v. 46 Cases, 24 Cases and 1 Case of Ice Box Cookies (and 2 other seizures of ice box cookies). Default decrees of condemnation and destruction. (F. D. C. Nos. 9240, 10446, 10757. Sample Nos. 12070-F, 12071-F, 43337-F, 43432-F, 56423-F.)

Two lots of this product were adulterated by reason of insect infestation, one of them was misbranded because of an inconspicuous declaration of weight and ingredients. The third lot was short weight. In two of the lots the product was labeled to indicate that it was a dietary food, but its label failed to bear the information regarding its vitamin and mineral properties required by the regulations.

On or about January 29, August 20, and September 18, 1943, the United States attorneys for the Western District of Washington, the District of New Jersey, and the District of Kansas filed libels against 71 cases of ice box cookies at Seattle, Wash., 55 cartons of the product at Newark, N. J., and 371 cartons at Kansas City, Kans., alleging that the article had been shipped in interstate commerce within the period from on or about August 6, 1942, to May 12, 1943, by the Kungsholm Baking Co., from Chicago, Ill.; and charging that it was adulterated and/or misbranded. The product in 2 of the lots was labeled in part: (Carton) "Kungsholm Ice Box Cookies," (package) "Vitamin B₁ and Important Minerals have been added." The remaining shipment was labeled in part: "Delicious Ice Box Cookies."

The lots located at Kansas City, Kans., and Newark, N. J., were alleged to be adulterated in that they consisted in whole or in part of filthy substances by reason of the presence of insect contamination.

The lots located at Kansas City, Kans., and Seattle, Wash., were alleged to be misbranded (1) in that the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ and mineral content, and its label failed to bear such information concerning its vitamin and mineral properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label did not state the proportion of the minimum daily requirements of vitamin B₁ contained in a specified quantity of the food which is customarily or usually consumed during a period of 1 day; and (2) since its label did not bear a statement of the minerals contained in the article, as required by the regulations, or the proportions of the minimum daily requirements for each mineral supplied by such food. The lot located at Seattle, Wash., was alleged to be misbranded further in that the following statements "Net Wt. 8 Oz.," or "Net Wt. 3 1/2 Oz.," or "Net Wt. 12 Oz.," borne on the various sized packages, were false and misleading as applied to the article, since it was short of the declared weight, and (3) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. The lot located at Kansas City, Kans., was alleged to be misbranded further in that the statements of the quantity of the contents and the ingredient list, required by the act to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On July 13, September 18, and November 29, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5119. Misbranding of cookies. U. S. v. 22 Cartons of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 10030. Samples Nos. 33452-F, 45208-F.)

On June 1, 1943, the United States attorney for the District of New Jersey filed a libel against 22 cartons of cookies at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 11, 1943, by the Loose-Wiles Biscuit Co. from Long Island City, N. Y.; and charging that it was misbranded. The article was labeled in part: (Tag on tins) "Sunshine Fancy Assortment A delicious assortment of tempting cookies * * * Net Weight 2 1/2 Lbs.," (bottom of tin) "Assorted Biscuits Net Weight 2 Lbs. 8 Ozs."