

ALLEGED SHIPMENT: On or about June 25 and August 20, 1943, by the Tampa Macaroni Corporation, from Tampa, Fla.

PRODUCT: 48 cases, each containing 24 6-ounce packages, of macaroni at Lancaster, S. C.; and 99 cases, each containing 24 6-ounce cartons, 4 cases, each containing 10 pounds, and 10 cases, each containing 20 pounds, of spaghetti at Atlanta, Ga.

LABEL, IN PART: (Packages) "Tom's Brand Macaroni," or "Tampa-Maid [or "Pisa"] Brand Spaghetti."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and webbing in the macaroni, and insect fragments and rodent hair fragments in the spaghetti; and, Section 402 (a) (4), the spaghetti had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 28 and October 27, 1943. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6410. Adulteration of cut spaghetti. U. S. v. 19 Cartons of Cut Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 12231. Sample No. 66565-F.)

LIBEL FILED: On or about April 20, 1944, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about February 26, 1944, by the American Beauty Macaroni Co., from Wichita, Kans.

PRODUCT: 19 cartons, each containing 24 1-pound cellophane bags, of cut spaghetti, at Tulsa, Okla.

LABEL IN PART: (Bags) "American Beauty Highest Quality Macaroni Products."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

6411. Adulteration of rye bread and whole wheat bread. U. S. v. Colonial Stores, Inc. (Pender's Daylight Bakery). Plea of guilty. Fine, \$200. (F. D. C. No. 10611. Sample Nos. 52813-F, 52815-F, 52816-F.)

INFORMATION FILED: December 17, 1943, in the Eastern District of Virginia, against Colonial Stores, Inc., trading as the Pender's Daylight Bakery at Norfolk, Va.

ALLEGED SHIPMENT: On or about April 23, 1943, from the State of Virginia to the State of North Carolina.

LABEL, IN PART: (Wrappers) "Pender's * * * Seeded Rye Bread," "Colonial Old Fashioned," or "100% Wholewheat Triple Fresh Bread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 17, 1944. A plea of guilty having been entered, a fine \$200 was imposed.

6412. Adulteration of fruit cake. U. S. v. 417 Boxes of Fruit Cake (and 1 other seizure action against fruit cake). Judgment of condemnation and destruction. (F. D. C. Nos. 11497, 11557. Sample Nos. 57231-F, 65717-F.)

LIBELS FILED: December 28, 1943, and January 4, 1944, District of New Jersey.

ALLEGED SHIPMENT: From on or about October 26 to November 19, 1943, by the Five-Boro Baking Co., and the Mack-Murray Co., from New York, N. Y.

PRODUCT: 417 boxes, each containing 1 2-pound fruit cake at Newark, N. J., and 23 2-pound fruit cakes at Paterson, N. J.

LABEL, IN PART: "Colonial De Lux Fruit Cake," or "Colonial Pure Food Fruit Cake."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 6, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6413. Adulteration of cookies. U. S. v. Oather Dorris McKee (Jack's Cookie Co.). Plea of *nolo contendere*. Fine, \$200 on count 1; judgment suspended on counts 2 and 3. (F. D. C. No. 9689. Sample Nos. 28477-F, 28479-F, 35331-F, 35405-F.)

INFORMATION FILED: On August 19, 1943, in the Western District of North Carolina, against Oather Dorris McKee, trading as Jack's Cookie Co., at Charlotte, N. C.

ALLEGED SHIPMENT: From on or about February 24 to March 24, 1943, from the State of North Carolina into the States of Georgia and South Carolina.

LABEL, IN PART: "Jack's 5¢ Tasty Lunch."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On October 7, 1943, a plea of *nolo contendere* having been entered, a fine of \$200 was imposed on count 1. Judgment was withheld with respect to counts 2 and 3, and was suspended by the court on October 5, 1944.

6414. Adulteration and misbranding of pies. U. S. v. Arthur F. Roberts, Receiver for Darcy's Pies. Plea of guilty. Fine, \$50. (F. D. C. No. 11366. Sample Nos. 17100-F, 19928-F, 19929-F, 20623-F.)

INFORMATION FILED: On May 3, 1944, in the District of Massachusetts, against Arthur F. Roberts, receiver for the firm trading as Darcy's Pies, at Chicopee Falls, Mass.

ALLEGED SHIPMENT: From on or about January 6 to June 4, 1943, from the State of Massachusetts into the States of New York and Rhode Island.

LABEL, IN PART: "A Grand Pie * * * Pineapple * * * Distributed by Grand Cake Co., Brooklyn, N. Y.," "Distributed By White House Boston Mass. * * * Lemon [or "Pineapple"]," "Darcy's Chicopee Falls, Mass. * * * Pineapple," or "Darcy's Everybody's."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, pineapple or lemon juice, had been in whole or in part omitted from the food; and, Section 402 (b) (2), pie filling consisting essentially of artificially colored cornstarch paste, and containing little or no fruit or lemon juice, had been substituted in whole or in part for pineapple and lemon fillings.

Misbranding, Section 403 (a), the statements "Pineapple" or "Lemon," borne on the labels, were false and misleading as applied to the products; and the statement "A Grand Pie," borne on the label of a portion of the pineapple pie, was false and misleading since it represented and suggested that the article was a pie of superior quality, whereas it was not.

DISPOSITION: May 18, 1944. A plea of guilty having been entered, the defendant was fined \$50.

6415. Adulteration of peanut butter cheese sandwiches. U. S. v. President Products, Inc., and Emanuel H. Schwartz, and Jacob Schwartz. Pleas of guilty. Each defendant fined \$400. (F. D. C. No. 11340. Sample Nos. 22776-F, 22777-F.)

INFORMATION FILED: On February 29, 1944, in the District of New Jersey, against President Products, Inc., and Emanuel H. Schwartz and Jacob Schwartz, West New York, N. J.

ALLEGED SHIPMENT: On or about May 13 and 18, 1943, from the State of New Jersey into the State of Pennsylvania.

LABEL, IN PART: (Packages) "Vitamin Rich Peanut Butter Cheese Sandwiches."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, rodent excreta pellet fragments, fragments resembling rodent excreta, a feather fragment, and dirt particles, and, Section