

"Cherry Flavored Syrup," and "Raspberry Flavored Syrup," were misleading as applied to the articles, which contained artificial flavoring; and (34 case lot) the label statement, "Vanilla Flavored Syrup," was false and misleading as applied to an artificially flavored sirup; Section 403 (b), (all lots) they were offered for sale under the names of other foods; Section 403 (c), (all lots) they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (k), (115 cases) they contained artificial flavoring and they failed to bear labeling stating that fact.

DISPOSITION: September 11, 1944. The New York Syrup Corporation having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6806. Adulteration of grapefruit juice. U. S. v. 179 Cases of Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 13663. Sample No. 79078-F.)

LIBEL FILED: September 12, 1944, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 27, 1944, by the Ridge Growers Cooperative, Inc., Frostproof, Fla.

PRODUCT: Grapefruit juice: 179 cases, each containing 12 cans, at Detroit, Mich.

This product contained maggots, fly eggs, and decomposed fruit material.

LABEL, IN PART: "Ever Sweet Brand Fancy Unsweetened Florida Grapefruit Juice Cont. 1 Qt. 14 Fl. Oz."

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

DISPOSITION: October 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES

6807. Adulteration of alimentary paste. U. S. v. Porter-Scarpelli Macaroni Co. Plea of guilty. Fine, \$100. (F. D. C. No. 11430. Sample Nos. 36522-F to 36524-F, incl., 36526-F.)

INFORMATION FILED: On July 7, 1944, in the District of Utah, against the Porter-Scarpelli Macaroni Co., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about December 6, 1943, from the State of Utah into the States of California and Idaho.

LABEL, IN PART: "Porter Wide Fril-Lets [or "Coil Vermicelli," "Elbow Spaghetti," or "Midget Sea Shell"]."

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 rodent-type hairs, insect parts, miscellaneous filth, a hair resembling a cat hair, a worm body part, one seta, and one sugar mite; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 25, 1944. A plea of guilty having been entered, the defendant was fined \$50 on each of 2 counts, a total fine of \$100.

6808. Adulteration of macaroni. U. S. v. 42 Boxes of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 13376. Sample No. 58984-F.)

LIBEL FILED: August 23, 1944, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 1 and December 27, 1943, from Cincinnati, Ohio.

PRODUCT: Macaroni: 42 boxes, each containing 20 pounds, at Richmond, Va., in the possession of the W. M. Gary Grocery Co., Inc.

This product had been stored, after shipment, under insanitary conditions. The boxes had been gnawed by rodents, and rodent pellets were observed on the boxes. Examination showed that the product had been contaminated with rodent urine and contained rodent excreta, beetles, and larvae.

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

DISPOSITION: September 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6809. Misbranding of spaghetti and macaroni. U. S. v. 39 Cases of Spaghetti and 39 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 13505. Sample Nos. 75462-F, 75463-F.)

LIBEL FILED: September 5, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about August 23, 1944, by the Vimco Macaroni Products Co., from Carnegie, Pa.

PRODUCTS: Spaghetti and macaroni: 39 cases of each, each case containing 24 packages, at Buffalo, N. Y.

LABEL, IN PART: "Net Weight One Pound Long Spaghetti [or "Elbow Macaroni"]."

VIOLATION CHARGED: Misbranding, Section 403 (d), the containers were so filled as to be misleading since the spaghetti occupied, on an average, about 44 percent, and the macaroni occupied, on an average, about 73 percent of the volume of the package.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. They were distributed to various charitable institutions.

6810. Misbranding of spaghetti. U. S. v. 95 Cases of Spaghetti. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13631. Sample No. 88021-F.)

LIBEL FILED: On or about September 11, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about July 18, 1944, by the Prince Macaroni Manufacturing Co., from Boston, Mass.

PRODUCT: Spaghetti: 95 cases, each containing 36 8-ounce packages, at East Hartford, Conn.

LABEL, IN PART: (Packages) "White Spray Spaghetti Guaranteed Made From Pure Durum Semolina Distributed By First National Stores, Inc., Somerville, Mass."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the product occupied, on an average, less than 50 percent of the volume of the package.

DISPOSITION: October 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

FLOUR*

6811. Adulteration and misbranding of flour. U. S. v. 650 Bags of Flour. Tried to the court. Judgment for the Government. Decree of condemnation entered and product ordered released under bond. (F. D. C. No. 9777. Sample No. 37659-F.)

LIBEL FILED: April 9, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about February 26, 1943, by the Wolf Milling Co., Ellinwood, Kans.

PRODUCT: 650 98-pound bags of flour at Detroit, Mich.

LABEL, IN PART: (Tag) "A Baking Specialty W M C No. 1 Unbleached Hard Wheat Flour containing unbleached hard wheat flour artificially aged with oxides of nitrogen, commercial vegetable lecithin, soya bean flour, monocalcium phosphate, and salt (NaCl)."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2); misbranding, Section 403 (g) (1). The details of the adulteration and misbranding charges are set forth below in the findings of fact and conclusions of law.

DISPOSITION: On or about April 4, 1944. The Wolf Milling Co., claimant, having denied that the product was adulterated or misbranded, and a jury having been waived, the case came on for trial. On April 10, 1944, the court, having considered the evidence and arguments of counsel, handed down the following findings of fact and conclusions of law:

ARTHUR F. LEDERLE, *District Judge:*

*See also Nos. 6859-6862, 6991.