

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.