

LABEL, IN PART: "Contents 8 Fl. Oz. Jan-U-Wine Brand Chinese Brown Sauce," "Contents 4½ Oz. Avoir. Jan-U-Wine Brand Crisp Chow Mein Noodles," or "10 Cakes Jan-U-Wine Fortune & Tea Rice Cakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (chow mein noodles and Tea Rice Cakes) the products consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (a), (Chinese Brown Sauce and chow mein noodles) the products failed to bear labels containing an accurate statement of the quantity of the contents. The Chinese Brown Sauce and chow mein noodles were short-weight.

DISPOSITION: August 1, 1947. Default decrees of condemnation and destruction.

11151. Adulteration of egg noodles in tomato sauce. U. S. v. 298 Cartons, 49 Jars, and 45 Cases * * *. (F. D. C. Nos. 20336, 20358. Sample Nos. 10788-H, 15349-H, 15350-H.)

LIBELS FILED: June 21, 1946, Western District of New York and Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 9, 1946, by Kurtz Brothers, from Bridgeport, Pa.

PRODUCT: 298 cartons, each containing 24 jars, of egg noodles in tomato sauce at Chicago, Ill., and 49 jars and 45 cases, each case containing 24 jars, of the same product at Buffalo, N. Y.

LABEL, IN PART: "Magic Chef."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 15 and 23, 1946. Kurtz Brothers, claimant for the Chicago lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. No claimant having appeared for the Buffalo lot, judgment of condemnation was entered and the product was ordered destroyed.

11152. Adulteration and misbranding of spaghetti dinner. U. S. v. 111 Cartons * * *. (F. D. C. No. 20214. Sample No. 65314-H.)

LIBEL FILED: On or about June 6, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about February 4 and March 26, 1946, By Chef Boy-Ar-Dee Quality Foods, Inc., from Milton, Pa.

PRODUCT: 111 cartons, each containing 12 packages, of Chef Boy-Ar-Dee Spaghetti Dinner at Atlantic City, N. J. The packages contained a bundle of spaghetti, a jar of sauce, and a small can of a cheese product. The cheese product contained 14 percent of lactose, indicating the presence of a milk product other than cheese, and it was short of the declared weight.

LABEL, IN PART: (Package) "Chef Boy-Ar-Dee Spaghetti Dinner"; (cans) "Chef Boy-Ar-Dee Parmesan Style Grated Cheese Made with Partly Skimmed Milk Net Weight ¾ Ounce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for "Parmesan Style Grated Cheese."

Misbranding, Section 403 (a), the statement "Parmesan Style Grated Cheese" was false and misleading; and, Section 403 (e) (2), the labeling of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: September 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11153. Adulteration and misbranding of spaghetti dinner. U. S. v. 24 Cases * * *. (F. D. C. No. 20305. Sample No. 5329-H.)

LIBEL FILED: June 25, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 7, 1946, by the Universal Grocery Co., from New Britain, Conn. The shipment consisted of a lot of goods returned to the packer.

PRODUCT: 24 cases, each containing 12 cartons, of spaghetti dinner at Philadelphia, Pa. The cartons each contained a bundle of spaghetti, a jar of sauce, and an envelope containing a grated cheese product. The grated cheese product contained about 17 percent of lactose, indicating the presence of a milk product other than cheese, and it was short of the declared weight "½ Oz."

LABEL, IN PART: "Chef Rialto Italian Spaghetti Dinner Contents: 8 Oz. Spaghetti 8 Oz. Spaghetti Sauce ½ Oz. Grated Cheese Packed by Rialto Food Products, Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese.

Misbranding, Section 403 (a), the label statement "Grated Cheese" was false and misleading as applied to an article containing a milk product other than cheese; Section 403 (e) (2), the label failed to contain an accurate statement of the quantity of the contents since the label statement "½ Oz. Grated Cheese" was inaccurate; and, Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient of the article.

DISPOSITION: September 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11154. Misbranding of spaghetti dinner and macaroni dinner. U. S. v. 108 Cartons, etc. (F. D. C. No. 19964. Sample Nos. 8398-H, 8399-H.)

LABEL FILED: May 28, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about January 25 and March 1, 1946, by Kurtz Brothers, Bridgeport, Pa.

PRODUCT: 108 cartons of spaghetti dinner and 108 cartons of macaroni dinner at Bronx, N. Y. The spaghetti dinner contained a package of spaghetti, a bottle of sauce, and an envelope of grated cheese; the macaroni dinner contained loose macaroni and an envelope of grated cheese. The grated cheese in both products contained approximately 22 percent of lactose, indicating the presence of a milk product other than cheese. The grated cheese in the package containing the spaghetti dinner and the cartons of macaroni dinner were short weight.

LABEL, IN PART: (Cartons) "Magic Chef Spaghetti Dinner [or "Macaroni Dinner * * * Net Weight 8 Oz.]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese.

Misbranding, Section 403 (a), the designation "Grated Cheese" which appeared on the envelopes of grated cheese was false and misleading since the articles contained a milk product other than cheese; Section 403 (e) (2), (spaghetti dinner) it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement on the carton "Cheese * * * Net Weight ½ Oz." and the label statement on the envelope of grated cheese "Grated Cheese * * * Net Weight ½ Oz." was inaccurate. Further misbranding, Section 403 (e) (2), (macaroni dinner) it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 8 Oz." was inaccurate.

DISPOSITION: June 14, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

11155. Adulteration of brewers barley and brewers grits. U. S. v. Atlantic Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 20138. Sample Nos. 1212-H, 2359-H, 2360-H.)

LABEL FILED: July 11, 1946, Eastern District of Virginia, against the Atlantic Co., a corporation, Norfolk, Va.

ALLEGED VIOLATION: During the period from on or about July 28 to September 25, 1945, the defendant held in interstate commerce at Norfolk, Va., 225 100-pound bags of brewers barley and 600 100-pound bags of brewers grits at its plant where the products were accessible to insects and were thereby subject to insect-infestation. Examination of samples disclosed that the barley and

*See also No. 11166.