

ALLEGED SHIPMENT: Between the approximate dates of August 16, 1946, and January 3, 1947, by the Weiss Noodle Co., from Cleveland, Ohio.

PRODUCT: 54 cases, each containing 12 1-pound cartons, of noodles at Buffalo, N. Y., and 10 cases, each containing 24 14-ounce packages, of the same product at Indianapolis, Ind.

LABEL, IN PART: "Buckeye Pure Egg Noodles," or "Cooks Egg Noodles."

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

DISPOSITION: February 10 and April 11, 1947. Default decrees of condemnation and destruction.

12027. Adulteration and misbranding of spaghetti dinner and adulteration of egg noodles and macaroni. U. S. v. Philadelphia Macaroni Company, Inc., and Louis Roncace. Corporation fined \$500; individual defendant given suspended sentence and placed on probation for 3 months. (F. D. C. No. 22081. Sample Nos. 66038-H, 66039-H, 66045-H.)

INFORMATION FILED: June 18, 1947, Eastern District of Pennsylvania, against the Philadelphia Macaroni Co., Inc., Philadelphia, Pa., and Louis Roncace, secretary.

ALLEGED SHIPMENT: On or about October 17, 1946, and January 13 and 14, 1947, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: "Italian Spaghetti Dinner King Midas," "Shots," or "Pure Egg Noodles."

NATURE OF CHARGE: Italian Spaghetti Dinner. Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese in the article. Misbranding, Section 403 (a), the label statements "grated cheese" and "grated Roman cheese" were false and misleading since they represented and suggested that the cheese product contained in the article consisted solely of grated cheese, whereas it consisted in part of a substance high in lactose; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of its ingredients.

Macaroni and egg noodles. Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 23, 1947. Pleas of guilty having been entered on behalf of the corporation and the individual defendant, the court imposed a fine of \$500 against the corporate defendant. The individual defendant received a suspended sentence and was placed on probation for 3 months.

12028. Adulteration and misbranding of spaghetti dinner. U. S. v. 18 Cases * * *. (F. D. C. No. 22276. Sample No. 66045-H.)

LIBEL FILED: On or about February 14, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about October 18, 1946, by the Philadelphia Macaroni Co., from Philadelphia, Pa.

PRODUCT: 18 cases, each containing 12 packages of spaghetti dinner at Camden, N. J. The packages contained spaghetti, a bottle of sauce, and a shaker-type bottle of a grated cheese product. Examination showed that the cheese product contained approximately 18.5 percent lactose, indicating the presence of a milk product other than cheese.

LABEL, IN PART: "Italian Spaghetti Dinner King Midas."

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

Misbranding, Section 403 (a), the statements on the package "Grated Cheese" and "Grated Roman Cheese" were false and misleading.

DISPOSITION: March 14, 1947. No claimant having appeared, judgment of condemnation was entered. The product was ordered delivered to a charitable institution, conditioned that the labels be destroyed.