

Macaroni Co.

LABEL IN PART: (Pkg.) "American Beauty Enriched New! High in protein Low in fat Thin Spaghetti * * * energy type food with improved calorie balance for weight watchers * * * American Beauty Macaroni Company."

ACCOMPANYING LABELING: Package insert entitled "American Beauty."

LIBELED: 4-29-64, N. Dist. Tex.

CHARGE: 403(a)—when shipped, the package label and the package insert entitled "American Beauty" contained false and misleading representations that the article was significantly different from enriched spaghetti generally available, that four ounces of the article will furnish 105 calories, that the article will supply an unusually high amount of protein and energy in an amount which is low in calories, that the article, by reason of its high protein-low fat content is of special significance for reducing and controlling body weight, and that the article was adequate and effective to control the cholesterol level of the blood, prevent coronary heart disease and other disorders, and to build and repair body tissues and organs; and 403(j)—the article purported to be and was represented as a food for special dietary use to regulate the intake of sodium, and its label failed to bear such information concerning its dietary properties, as prescribed by regulations as necessary in order fully to inform purchasers as to its value for such use, since its label failed to bear a statement of the number of milligrams of sodium in 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food.

DISPOSITION: On 6-8-64, the American Beauty Macaroni Co., claimant, filed an answer denying that the article was misbranded. On or about 10-27-64, the Government served written interrogatories on the claimant. On 5-17-65, the claimant not desiring to prosecute its claim and therefore consenting, the court entered a decree of condemnation and ordered the destruction of the article since at that time the article was unfit for food.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

30118. Wheat. (F.D.C. No. 50906. S. No. 124-110 A.)

QUANTITY: 96,000 lbs. at Duluth, Minn.

SHIPPED: 11-18-64, from Medina, N. Dak., by Medina Farmers Union Grain Co.

LIBELED: 1-6-65, Dist. Minn.

CHARGE: 402(a)(2)(B)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, a mercurial compound, which was unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat had been prescribed by regulations.

DISPOSITION: 2-17-65. Default—destruction.

30119. Wheat. (F.D.C. No. 51133. S. No. 10-143 B.)

QUANTITY: 120,600 lbs. at Spokane, Wash.

SHIPPED: 2-9-65, from Mandan, N. Dak., by P. V. Company Producer Service.

LIBELED: 2-19-65, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-18-65. Consent—claimed by Peavey Co., Minneapolis, Minn., and denatured.