

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.

grits were contaminated with insect excreta and were insect-infested. The barley had been shipped to the defendant on or about July 28, 1945, and the grits on or about September 6, 1945, from Manitowoc, Wis., and Mount Vernon, Ind., respectively.

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 weevils, ants, flour beetles, grain beetles, an Indian meal moth, insect larvae and pupae, and insect webbing and cast skins; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 29, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each count, a total fine of \$200.

11156. Adulteration of popcorn and potato chips. U. S. v. Denver Bar Supply Co. and Henry W. Levine. Pleas of nolo contendere. Fines, \$20 against the partnership defendant and \$600 against the individual defendant. (F. D. C. No. 20137. Sample Nos. 30318-H, 30319-H, 47307-H, 47309-H.)

LIBEL FILED: June 11, 1946, District of Colorado, against the Denver Bar Supply Co., a partnership, Denver, Colo., and Henry W. Levine, manager.

ALLEGED SHIPMENT: On or about October 16 and December 11 and 13, 1945, from the State of Colorado into the States of New Mexico, Montana, and Wyoming.

LABEL, IN PART: "Toasted Potato Chips Denver Potato Chip Co. Denver, Colo.," or "Duke's Better Flavor Pop Corn Denver Bar Supply Co. Denver, Colo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hair, setae, human hair, green particles (unidentified), a metallic-like substance, carbonaceous material, fibers, plant tissue, a mite, feather barbules, and nondescript dirt; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 23, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed total fines of \$20 against the partnership and \$600 against the individual.

11157. Adulteration of popcorn. U. S. v. 5 Bags, 7 Cans, and 2 Drums * * *. (F. D. C. Nos. 20334, 20406. Sample Nos. 9941-H, 60151-H.)

LIBELS FILED: June 17 and July 16, 1946, Western District of New York and Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 10 and June 5, 1946, from Norwalk and North Fairfield, Ohio, respectively, by Valentine Tidswell & Sons.

PRODUCT: 5 100-pound bags, 7 50-pound cans, and 1 300-pound drum and 1 100-pound drum of popcorn at Niagara Falls, N. Y., and Bradford, Pa.

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

DISPOSITION: July 15 and September 17, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11158. Adulteration of shelled popcorn. U. S. v. 200 Bags * * *. (F. D. C. No. 19824. Sample No. 51069-H.)

LIBEL FILED: May 6, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 22 and February 2, 1946, from Schaller, Iowa.

PRODUCT: 200 100-pound bags of shelled popcorn at Minneapolis, Minn., in possession of the Sunrise Food Products Co. The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were observed on the bags, and examination showed that the product had a musty, soapy, obnoxious odor. The product was contaminated with filth derived from slop water used in washing floor and steps of premises where it was stored.