**1529. Misbranding of macaroni and cheese dinner. U. S. v. 24 Cases of Macaroni and Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 2779. Sample No. 15320–E.)

Packages of this product contained macaroni and an envelope containing a mixture of grated cheese and skim milk powder. The capacity of the package was 49.4 cubic inches, but the contents occupied not more than 22.9 cubic inches. Furthermore, the envelopes containing the mixture of grated cheese and skim milk powder did not bear a statement of the quantity of contents.

On September 13, 1940, the United States attorney for the Eastern District of Illinois filed a libel against 24 cases of macaroni and cheese dinner at Carbondale, Ill., consigned by Ravarino & Freschi, Inc., alleging that the article had been shipped in interstate commerce on or about August 20, 1940, from St. Louis, Mo.; and charging that it was misbranded. It was labeled in part: (Package, front panel) "1¼ Oz. Grated American Cheese 6 Oz. Macaroni * * * Puritan Macaroni and Cheese Dinner"; (envelope) "A Special Blend of Fine Cheese."

The article was alleged to be misbranded in that the statements, (package) "1¼ Oz. Grated American Cheese" and (envelope) "A Special Blend of Fine Cheese," were false and misleading as applied to a mixture of cheese and skim milk powder. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and the envelopes of grated cheese and skim milk powder did not bear a statement of the quantity of the contents.

On March 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1530. Misbranding of macaroni. U. S. v. 11 Cases and 27 Cases of Macaroni. Default decree of condemnation and destruction.** (F. D. C. No. 2300. Sample Nos. 10692–E, 10693–E.)

This product occupied an average of from 70 percent to 75 percent of the capacity of its container.

On June 29, 1940, the United States attorney for the District of Connecticut filed a libel against 38 cases of macaroni at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 4 and 11, 1940, by V. La Rosa & Sons, Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Package) "La Rosa Grade A."

On February 21, 1941, La Rosa & Sons, Inc., having withdrawn its answer, judgment of condemnation was entered and the product was ordered destroyed.

**1531. Misbranding of macaroni and spaghetti. U. S. v. 116, 80, 111, and 108 Cases of Macaroni and Spaghetti. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 2381. Sample Nos. 5737–E to 5740–E, incl.)

The cartons containing these products were deceptive, the contents ranging in the various lots, from 47 percent to 65 percent of the capacity of the container. In one lot the weight statement and name and address of the manufacturer were inconspicuously placed on the ends of the package.

On August 6, 1940, the United States attorney for the District of Indiana filed a libel against 415 cases of macaroni and spaghetti at Indianapolis, Ind., alleging that the articles had been shipped in interstate commerce on or about June 6, 1940, by the John B. Canepa Co. from Chicago, Ill.; and charging that they were misbranded. They were labeled in part: "Red Cross 5¢ Elbow Macaroni [or "Spaghetti"]"; or "Red Cross 5¢ Macaroni [or "Spaghetti"]."

The articles were alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading. One lot (elbow spaghetti) was alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor and the statement of the quantity of the contents required to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On December 5, 1940, John B. Canepa Co., having with leave of court withdrawn its claim and answer and no other party having intervened, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.