5260. Adulteration of macaroni products. U. S. v. 27 Cartons of Macaroni Products. Default decree of condemnation and destruction. (F. D. C. No. 10184. Sample Nos. 8080–F, 8501–F, 8505–F.)

These products contained larvae, insect fragments, and hairs resembling rodent hairs.

On July 3, 1943, the United States attorney for the District of Minnesota filed a libel against 27 cartons of macaroni products at St. Paul, Minn., alleging that the articles had been shipped in interstate commerce on or about May 3, 1943, by A. Russo & Co., Inc., from Chicago, Ill.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Fiore D'Italia Brand."

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

5261. Adulteration and misbranding of macaroni. U. S. v. 121 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10083. Sample Nos. 43311–F, 43312–F.)

This product contained insect fragments, beetles, larvae, rodent hair fragments, and hair fragments resembling rodent hairs.

On or about July 8, 1943, the United States attorney for the District of Kansas filed a libel against 121 cases of macaroni at Coffeyville, Kans., alleging that the article had been shipped in interstate commerce on or about April 29 and May 19, 1943, by the Domino Macaroni Co. from Joplin, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cartons) "Red Bird Macaroni." A portion was further labeled: "Our product is manufactured in a modern plant under the most sanitary conditions."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

A portion was alleged to be misbranded in that the statement "Our product is manufactured in a modern plant under the most sanitary conditions" was false and misleading as applied to a product manufactured under insanitary conditions.

On August 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5262. Adulteration of macaroni and spaghetti. U. S. v. 17 Boxes of Macaroni and 16 Boxes of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 10220. Sample No. 45974–F.)

On July 9, 1943, the United States attorney for the District of Maryland filed a libel against 17 boxes of elbow macaroni and 16 boxes of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 3, 1943, by National Foods, Inc., from Reynoldsville, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, beetles. The article was labeled in part: "Chef Lorenzo's * * * Elbow Macaroni [or "Spaghetti"]."

On August 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5263. Adulteration of spaghetti. U. S. v. Niagara Macaroni Manufacturing Co., Inc. Plea of guilty. Fine, $500. (F. D. C. No. 10568. Sample Nos. 21672–F, 21683–F.)

Samples of this product were found to contain insect fragments, rodent hair fragments, and hair fragments resembling rodent hair.

On October 11, 1943, the United States attorney for the Western District of New York filed an information against the Niagara Macaroni Manufacturing Co., Inc., Buffalo, N. Y., alleging shipment on or about March 1 and 25, 1943, from the State of New York into the State of Ohio of a quantity of spaghetti that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Romano Spaghetti * * * Rose & Johnson Co. Youngstown, Ohio," or "Romano Spaghetti."

On November 8, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $500.