5264. Misbranding of spaghetti. U. S. v. 298 Cases of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 10204. Sample No. 28971-F.)

On July 6, 1943, the United States attorney for the Northern District of Georgia filed a libel against 298 cases of spaghetti at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 4, 1943, by the Tampa Macaroni Co., Inc., from Tampa, Fla.; and charging that it was misbranded. The article was labeled in part: (Packages) "6 Ozs. Net Weight Tampa-Maid Brand Spaghetti."

The article was alleged to be misbranded in that its container was so filled as to be misleading since the spaghetti occupied, on an average, less than 40 percent of the capacity of the package.

On August 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

Nos. 5265 to 5269 report actions involving bakery products that were found to be contaminated with one or more types of filth, such as rodent hair fragments and fragments resembling rodent hairs, larvae, cast skins, and insect fragments.

5265. Adulteration of cake. U. S. v. Columbia Baking Co. (Seybold Baking Co.). Plea of nolo contendere. Fine of $200 on count 1; sentence on count 2 suspended and defendant placed on probation for 2 years. (F. D. C. No. 9645. Sample Nos. 29571-F to 29573-F, incl., 29578-F.)

On June 11, 1943, the United States attorney for the Southern District of Florida filed an information against the Columbia Baking Co., a corporation trading as the Seybold Baking Co., at Jacksonville, Fla., alleging shipment on or about December 22, 1942, and January 11, 1943, from the State of Florida into the State of Georgia of a quantity of cake that was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On September 22, 1943, a plea of nolo contendere having been entered on behalf of the defendant corporation, the court imposed a fine of $200 on count 1, suspended sentence on count 2, and placed the defendant on probation for 2 years.

5266. Adulteration of broken cookies. U. S. v. 36 Boxes of Broken Cookies. Default decree of condemnation and destruction. (F. D. C. No. 10456. Sample No. 56422-F.)

Examination of this product showed that it contained larvae, cast skins, insect fragments, and rodent hair fragments.

On August 23, 1943, the United States attorney for the District of New Jersey filed a libel against 36 boxes of broken cookies at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 3, 1943, by the S & S Candy Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Shapiro Bros New York City New York Broken Crack."

On September 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5267. Adulteration of cookies. U. S. v. 20 Cartons of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 10202. Sample Nos. 45386-F to 45389-F, incl.)

On or about July 12, 1943, the United States attorney for the Southern District of New York filed a libel against 20 cartons of cookies, consisting of Saviardi cookies, anise cookies, butter cookies and butter finger cookies, at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about June 17, 1943, by the Centre Bakery from West New York, N. J.; and charging that they were adulterated.

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances, the Saviardi, anise, and butter fingers containing rodent hair fragments, and the butter cookies containing rodent hair fragments and insect fragments; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.