On September 15, 1943, the United States attorney for the District of Arizona filed a libel against 66 cases, each containing 20 cellophane bags, of macaroni at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 17, 1943, by the Acme Macaroni & Cracker Co., Los Angeles, Calif.; 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: (Bags) "Vitality Brand 100% No. 1 Semolina Macaroni Packed For Vitality Macaroni Co. Los Angeles, Calif.," or "Gold Stem Brand 100% No. 1 Semolina Macaroni Products."

On October 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5608. Adulteration of spaghetti. U. S. v. 18 Boxes of Spaghetti. Decree of condemnation and destruction. (F. D. C. No. 10739. Sample No. 34242-F.)

On September 13, 1943, the United States attorney for the Northern District of West Virginia filed a libel against 18 boxes, containing a total of approximately 360 pounds, of spaghetti at Wheeling, W. Va., alleging that the article had been shipped on or about March 19, 1943, by the Indiana Macaroni Company, Inc., from Indiana, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, larvae, pupae, and insect fragments. The article was labeled in part: (Box) "La Gragnano Napoli Style Spaghetti."

On October 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5609. Misbranding of noodles. U. S. v. 500 Cases of Noodles. Default decree of condemnation and destruction. (F. D. C. No. 12423. Sample No. 35902-F.)

The labeled portion of this product was short weight.

On or about May 25, 1944, the United States attorney for the Northern District of Georgia filed a libel against 500 cases, each containing 24 packages, of noodles at Atlanta, Ga., alleging that the article had been shipped on or about January 10, 1944, by the Globe Grocery Co., from Lowell, Mass.; and charging that it was misbranded. A portion of the article was labeled in part: (Packages) "Prince Macaroni Products * * * Net Weight One Pound Manufactured By Prince Macaroni Mfg. Co., Lowell, Mass.," (cases) "Due to the shortage of boxes we used a 1-lb. printed box. This carton contains 24—8 oz. pkgs. Plain Medium Noodles." The remainder was contained in unlabeled 1-pound size packages.

The labeled packages were alleged to be misbranded in that the statement "Net Weight One Pound" was false and misleading as applied to an article that weighed only half that amount, and in that its container was so filled as to be misleading since the packages were only about half filled. The unlabeled packages were alleged to be misbranded in that the article was in package form and failed to bear a label which contained the name and place of business of the manufacturer, packer, or distributor; and in that its label failed to bear the common or usual name of the food. Both lots were misbranded in that the article was in package form and failed to bear an accurate statement of the quantity of the contents.

On June 12, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL

5610. Adulteration of corn meal. U. S. v. 40 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 11171. Sample No. 48440-F.)

On November 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 40 bags, each containing 25 pounds, of corn meal at Cincinnati, Ohio, alleging that the article, which had been consigned on or about November 11, 1943, had been transported in interstate commerce by William Feldhues from Covington, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of rodent excreta and rodent hairs. Some of the bags were unlabeled and some were labeled in part: "Corn Meal Made By Walton Feed Mills, Walton, Ky."

On December 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction of this product was effected by mixing it with regular hog feed.