

7710. Adulteration of distilled spirits. U. S. v. 156 Cases of Distilled Spirits. Default decree of condemnation and destruction. (F. D. C. No. 14449. Sample No. 85381-F.)

LIBEL FILED: November 21, 1944, District of Delaware.

ALLEGED SHIPMENT: On or about June 29, 1944, by the Overbrook Co., Inc., from Baltimore, Md.

PRODUCT: 156 cases, each containing 24 1-pint bottles, of distilled spirits, at Wilmington, Del.

LABEL, IN PART: "Imported Nobility 85 Proof Distilled Spirits."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of an excess of fusel oil, which rendered it nonpotable and repulsive.

DISPOSITION: December 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS*

ALIMENTARY PASTES**

7711. Adulteration and misbranding of egg noodles. U. S. v. National Foods, Inc. Plea of guilty. Fine, \$440 and costs. (F. D. C. No. 11345. Sample Nos. 33483-F to 33485-F, incl., 33694-F, 33695-F, 34153-F, 34211-F, 44242-F, 45395-F, 56481-F to 56484-F, incl.)

INFORMATION FILED: May 26, 1944, Western District of Pennsylvania, against National Foods, Inc., Pittsburgh, Pa.

ALLEGED SHIPMENT: Between the approximate dates of March 1 and June 28, 1943, from the State of Pennsylvania into the States of New York and Ohio.

LABEL, IN PART: (Portion) "Marjorie Daw Pure Egg Noodles."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of the food, egg, had been in whole or in part omitted since the product was represented to contain 5½ percent of egg solids but contained a smaller amount; Section 402 (b) (2), artificially colored noodles, deficient in egg solids, had been substituted in whole or in part for pure egg noodles containing 5½ percent of egg solids; Section 402 (b) (3), the article was inferior to egg noodles containing 5½ percent egg solids, and its inferiority was concealed by the addition of artificial color, tartrazine; and, Section 402 (b) (4), artificial color had been added thereto or had been mixed or packed therewith so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the statements in the labeling, "Pure Egg Noodles," or "5½% [or "5.5%"] Egg Solids—No Artificial Coloring [or "no Artificial Coloring Added"]," were false and misleading.

DISPOSITION: November 10, 1944. A plea of guilty having been entered, the defendant was fined \$440 and costs.

7712. Adulteration of macaroni and spaghetti. U. S. v. 350 Cartons of Macaroni and 86 Cartons of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 14614. Sample Nos. 73771-F to 73773-F, incl., 73967-F.)

LIBEL FILED: December 6, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about August 28, 1944, by the American Beauty Macaroni Co., Denver, Colo.

PRODUCT: 250 cartons, each containing 24 7-ounce packages, and 100 cartons, each containing 24 8-ounce packages, of macaroni, and 36 cartons, each containing 12 16-ounce packages, and 50 cartons, each containing 24 8-ounce packages, of spaghetti at Phoenix, Ariz.

LABEL, IN PART: "American Beauty."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, and cast skins.

DISPOSITION: February 5, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

*See also No. 7765.

**See also Nos. 7746, 7899, 7900.