

LABEL, IN PART: (Portion) "Vitamin and Iron Enriched Hi-Boy [or "Tender-Tex Enriched"] Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from both lots, and, in addition, iron had been in part omitted from one lot.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour since one lot contained approximately 1.21 milligrams of thiamine and the other lot contained approximately 0.63 milligram of thiamine and 9.04 milligrams of iron per pound. The standard of identity for enriched flour requires that it contain in each pound not less than 2.0 milligrams of thiamine and not less than 13.0 milligrams of iron.

DISPOSITION: November 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10061. Adulteration and misbranding of enriched flour. U. S. v. 50 Bales of Enriched Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 17282. Sample No. 21743-H.)

LABEL FILED: On or about September 13, 1945, District of Kansas.

ALLEGED SHIPMENT: On or about June 16, 1945, by the Quaker Oats Co., from St. Joseph, Mo.

PRODUCT: 50 bales, each containing 5 10-pound bags, of enriched flour at Kansas City, Kans. Examination showed that the product contained approximately 1.5 milligrams of thiamine (vitamin B₁) per pound, whereas the definition and standard of identity for enriched flour requires not less than 2.0 milligrams of thiamine per pound.

LABEL, IN PART: "Fancy Patent Shurfine Enriched Flour Bleached National Retailer-Owned Grocers, Inc. Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour.

DISPOSITION: November 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

10062. Adulteration and misbranding of enriched flour. U. S. v. 246 Bags and 94 Bags of Enriched Flour. Decree of condemnation. Product ordered delivered to charitable and public welfare institutions. (F. D. C. No. 17315. Sample Nos. 13289-H, 13467-H.)

LABEL FILED: August 27, 1945, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about March 20, 1945, by the Abilene Flour Mills Co., from Abilene, Kans.

PRODUCT: 246 5-pound bags and 94 10-pound bags of enriched flour at Covington, Ky.

LABEL, IN PART: "No-Risk Guaranteed Flour * * * Enriched Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour, since the definition and standard requires that enriched flour shall contain not less than 2.0 milligrams of thiamine (vitamin B₁) per pound, whereas the flour contained approximately (5-pound bag lot) 1.50 and (10-pound bag lot) 1.57 milligrams of thiamine per pound.

DISPOSITION: October 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable and public welfare institutions.

MACARONI AND NOODLE PRODUCTS

10063. Adulteration of macaroni and spaghetti. U. S. v. B. Filippone & Co. Plea of guilty. Fine, \$750. (F. D. C. No. 10631. Sample Nos. 23715-F, 23716-F, 45132-F, 56524-F, 56527-F.)

INFORMATION FILED: October 1, 1945, District of New Jersey, against B. Filippone & Co., a corporation, Passaic, N. J.

ALLEGED SHIPMENT: July 6 and 8, 1943, from the State of New Jersey into the States of Pennsylvania and New York.

LABEL, IN PART: "Puccini Brand * * * Macaroni," "La Perla Brand * * * Alphabets," "La Perla * * * Macaroni," "Filippone Gluten Spaghetti," or "La Perla Brand Spaghetini With Added Gluten."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of whole larvae and pupae, larvae fragments, insect fragments, rodent hair fragments, hairs resembling rodent hairs, and a cat hair fragment; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 9, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150 on each count, a total fine of \$750.

10064. Adulteration of macaroni and noodle products. U. S. v. Italian American Paste Co., Inc. Plea of guilty to count 1; plea of nolo contendere to remaining counts. Fine, \$200. (F. D. C. No. 16592. Sample Nos. 84435-F, 29353-H, 29356-H, 29359-H.)

INFORMATION FILED: November 1, 1945, Northern District of California, against the Italian American Paste Co., Inc., San Francisco, Calif.

ALLEGED SHIPMENT: On or about November 3, 1944, and February 27 and March 3, 1945, from the State of California into the State of Nevada.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, rodent hair fragments, and unidentified hairs; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 19, 1945. A plea of guilty to count 1 of the information and a plea of nolo contendere to the remaining counts having been entered on behalf of the defendant, the court imposed fines of \$50 on each of the 4 counts.

10065. Adulteration of macaroni and noodle products. U. S. v. 10 Cases of Elbow Macaroni, 6 Cases of Spaghetini, 7 Cases of Spaghetti, and 14 Cases of Egg Noodles. Default decree of destruction. (F. D. C. No. 17317. Sample Nos. 10341-H to 10344-H, incl.)

LIBEL FILED: August 28, 1945, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about July 16, 20, and 30, 1945, by the Potter-McCune Co., from McKeesport, Pa.

PRODUCT: 23 20-pound cases and 14 cases, each containing 12 1-pound packages, of macaroni and noodle products at Morgantown, W. Va.

LABEL, IN PART: "Excelsior Eagle Brand 100% Semolina Paste Alimentari Elbow Macaroni [or "Spaghetini," or "Spaghetti"]," or "Boehm's Mother's Pure Egg Noodles * * * Manufactured by W. Boehm Company, Pittsburgh, Penna."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 16, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10066. Adulteration of macaroni products. U. S. v. 17 Cases and 36 Cases of Macaroni Products. Default decrees of condemnation and destruction. (F. D. C. Nos. 16792, 16793. Sample Nos. 10103-H, 10545-H.)

LIBELS FILED: July 10, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 28 and June 4, 1945, by Alfonso Gioia and Sons, from Rochester, N. Y.