

insect fragments, rodent hairs, and fragments resembling rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 14, 1947. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$600 and costs.

11148. Adulteration and misbranding of noodle products. U. S. v. Atlantic Macaroni Co., Inc., Frank A. Zunino, and Alex Q. Erminio. Pleas of guilty entered on behalf of the corporation on all counts of the information; pleas of guilty by the individual defendants on counts 1 and 2. Fines of \$800 against the corporation, \$1,600 against Frank A. Zunino, and \$800 against Alex Q. Erminio. (F. D. C. No. 20211. Sample Nos. 7127-H to 7130-H, incl.)

INFORMATION FILED: March 17, 1947, Eastern District of New York, against the Atlantic Macaroni Co., Inc., Long Island City, N. Y., and Frank A. Zunino and Alex Q. Erminio, president and secretary, respectively, of the corporation.

ALLEGED SHIPMENT: On or about June 29, 1945, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Caruso Brand Pure Egg Products."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, egg, had been in part omitted; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to be a noodle product which is better and of greater value than the article.

Misbranding Section 403 (a), the label statement "No Artificial Coloring" was false and misleading since the article contained artificial coloring; and, Section 403 (g) (1), the article purported to be and was represented as a noodle product and failed to conform to the definition and standard of identity for noodle products since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk and, further, since the article contained artificial coloring, which is not an optional ingredient of the article under the definition and standard.

DISPOSITION: May 8, 1947. Pleas of guilty having been entered on behalf of the corporation on all counts of the information and by the individual defendants on counts 1 and 2, the court imposed a fine of \$100 on each of the 8 counts against the corporation; a fine of \$800 on each of counts 1 and 2 against Frank Zunino; and a fine of \$400 on each of counts 1 and 2 against Alex Erminio. Counts 3 through 8 against each individual defendant were dismissed.

11149. Adulteration of macaroni products. U. S. v. 15 Cases * * *. (F. D. C. No. 16204. Sample Nos. 27256-H to 27258-H, incl.)

LIBEL FILED: May 22, 1945, District of Idaho.

ALLEGED SHIPMENT: On or about April 24, 1945, by the U. S. Macaroni Mfg. Co., from Spokane, Wash.

PRODUCT: 15 cases of macaroni products at Lewiston, Idaho. 15 cases of noodles which were included in the libel were not seized.

LABEL, IN PART: "U. S. Taystie Cut Spaghetti [or "Cut Macaroni"]."

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: November 16, 1945. Default decree of forfeiture. Products ordered disposed of as animal feed.

11150. Adulteration and misbranding of chow mein noodles and misbranding of Chinese Brown Sauce and Tea Rice Cakes. U. S. v. 4 Cases of Chinese Brown Sauce, 4 Cases of Chow Mein Noodles (and 2 other seizure actions against Chinese Brown Sauce and Tea Rice Cakes). (F. D. C. Nos. 19412, 19413. Sample Nos. 25662-H, 25663-H, 25666-H, 47463-H, 47465-H.)

LIBELS FILED: March 18, 1946, District of Utah.

ALLEGED SHIPMENT: On or about December 20 and 26, 1945, by the Oriental Food Products Co., from Los Angeles, Calif.

PRODUCT: 12 cases, each containing 24 jars, of Chinese Brown Sauce, 4 cases, each containing 24 jars, of chow mein noodles, and 26 cases, each containing 48 bags, of Tea Rice Cakes at Ogden, Utah; and 6 cases, each containing 48 bags, of Tea Rice Cakes at Salt Lake City, Utah.

LABEL, IN PART: "Contents 8 Fl. Oz. Jan-U-Wine Brand Chinese Brown Sauce," "Contents 4½ Oz. Avoir. Jan-U-Wine Brand Crisp Chow Mein Noodles," or "10 Cakes Jan-U-Wine Fortune & Tea Rice Cakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (chow mein noodles and Tea Rice Cakes) the products consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (a), (Chinese Brown Sauce and chow mein noodles) the products failed to bear labels containing an accurate statement of the quantity of the contents. The Chinese Brown Sauce and chow mein noodles were short-weight.

DISPOSITION: August 1, 1947. Default decrees of condemnation and destruction.

11151. Adulteration of egg noodles in tomato sauce. U. S. v. 298 Cartons, 49 Jars, and 45 Cases * * *. (F. D. C. Nos. 20336, 20358. Sample Nos. 10788-H, 15349-H, 15350-H.)

LIBELS FILED: June 21, 1946, Western District of New York and Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 9, 1946, by Kurtz Brothers, from Bridgeport, Pa.

PRODUCT: 298 cartons, each containing 24 jars, of egg noodles in tomato sauce at Chicago, Ill., and 49 jars and 45 cases, each case containing 24 jars, of the same product at Buffalo, N. Y.

LABEL, IN PART: "Magic Chef."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 15 and 23, 1946. Kurtz Brothers, claimant for the Chicago lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. No claimant having appeared for the Buffalo lot, judgment of condemnation was entered and the product was ordered destroyed.

11152. Adulteration and misbranding of spaghetti dinner. U. S. v. 111 Cartons * * *. (F. D. C. No. 20214. Sample No. 65314-H.)

LIBEL FILED: On or about June 6, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about February 4 and March 26, 1946, By Chef Boy-Ar-Dee Quality Foods, Inc., from Milton, Pa.

PRODUCT: 111 cartons, each containing 12 packages, of Chef Boy-Ar-Dee Spaghetti Dinner at Atlantic City, N. J. The packages contained a bundle of spaghetti, a jar of sauce, and a small can of a cheese product. The cheese product contained 14 percent of lactose, indicating the presence of a milk product other than cheese, and it was short of the declared weight.

LABEL, IN PART: (Package) "Chef Boy-Ar-Dee Spaghetti Dinner"; (cans) "Chef Boy-Ar-Dee Parmesan Style Grated Cheese Made with Partly Skimmed Milk Net Weight ¾ Ounce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for "Parmesan Style Grated Cheese."

Misbranding, Section 403 (a), the statement "Parmesan Style Grated Cheese" was false and misleading; and, Section 403 (e) (2), the labeling of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: September 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11153. Adulteration and misbranding of spaghetti dinner. U. S. v. 24 Cases * * *. (F. D. C. No. 20305. Sample No. 5329-H.)

LIBEL FILED: June 25, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 7, 1946, by the Universal Grocery Co., from New Britain, Conn. The shipment consisted of a lot of goods returned to the packer.