

12437. Adulteration and misbranding of egg noodles and adulteration of popcorn. U. S. v. Jaeger Noodle & Potato Chip Company and Julius F. Jaeger. Plea of nolo contendere. Both defendants fined \$100 on each of 3 counts, plus costs; fines suspended on counts 2 and 3. (F. D. C. No. 23300. Sample Nos. 12883-H, 12884-H.)

INFORMATION FILED: On or about June 1, 1947, Northern District of Ohio, against the Jaeger Noodle & Potato Chip Co., a partnership, Booth, Ohio, and Julius F. Jaeger, a partner.

ALLEGED SHIPMENT: On or about February 21, 1947, from the State of Ohio into the State of Michigan.

LABEL, IN PART: "Jaeger's Home Style Fresh Egg Noodles," or "French Queen French Fried Pop Corn."

NATURE OF CHARGE: Egg noodles. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and cat hair fragments; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, the solids of egg or egg yolk, had been in part omitted from the article; Section 402 (b) (2), an article deficient in the solids of egg or egg yolk had been substituted in part for egg noodles. Misbranding, Section 403 (g) (1), the article was represented to be egg noodles, for which a definition and standard of identity have been prescribed, and it failed to conform to the definition and standard since it contained less than 5.5 percent by weight of the solids of egg or egg yolk.

French Fried Pop Corn. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and feather fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 20, 1947. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of \$100 on each of 3 counts against each defendant, plus costs. However, the fines imposed on counts 2 and 3 were suspended.

12438. Adulteration of spaghetti and macaroni. U. S. v. 6 Cartons, etc. (F. D. C. No. 21783. Sample Nos. 52690-H, 52691-H.)

LABEL FILED: November 29, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about May 18 and July 7, 1946, by the St. Louis Macaroni Manufacturing Co., Inc., from St. Louis, Mo.

PRODUCT: 19 cartons, each containing 24 1-pound packages, of spaghetti or macaroni at Indianapolis, Ind.

LABEL, IN PART: "St. Louis Brand Delicious Macaroni Products."

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 insects.

DISPOSITION: February 19, 1947. No claimant having appeared, judgment of forfeiture was entered and the products were ordered destroyed.

12439. Adulteration and misbranding of spaghetti with mushrooms. U. S. v. 739 Cases * * *. (F. D. C. No. 22570. Sample No. 63118-H.)

LABEL FILED: February 25, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about October 5, 1946, by the Oregon Mushroom Co., from Milwaukie, Oreg.

PRODUCT: 739 cases, each containing 48 1-pound cans, of spaghetti with mushrooms at San Francisco, Calif.

LABEL, IN PART: "Conan's Happy Valley Spaghetti with Mushrooms in Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, mushrooms, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Spaghetti with Mushrooms in Sauce" was false and misleading as applied to this article, which contained an insignificant amount of mushrooms.

DISPOSITION: March 12, 1947. The Oregon Mushroom Co., claimant, having consented to entry of a decree, judgment of condemnation was entered and