

DISPOSITION: May 21, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$600.

17312. Misbranding of crackers. U. S. v. 199 Cases \* \* \*. (F. D. C. No. 30427. Sample No. 21793-L.)

LIBEL FILED: February 9, 1951, District of Puerto Rico.

ALLEGED SHIPMENT: On or about January 22, 1951, by Klotz Cracker Factory, Ltd., from New Orleans, La.

PRODUCT: 199 cases, each containing 6 tins, of crackers at San Juan, P. R.

LABEL, IN PART: "Quality Sodas Excelsior Galletas Finas Especiales Net Weight 2 lbs. \* \* \* Aproximadamente 155 Galletas."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Net Weight 2 lbs. \* \* \* Aproximadamente 155 Galletas" were false and misleading since the product contained less than the declared weight and number of units in the package; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. Examination showed that the tins were short-weight and contained an average of 136 crackers (galletas).

DISPOSITION: February 19 and March 9, 1951. Ballester Hermanos, Inc., San Juan, P. R., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Puerto Rico representative of the Federal Security Agency.

#### MACARONI AND NOODLE PRODUCTS

17313. Adulteration of noodles. U. S. v. 10 Cases, etc. (F. D. C. No. 30634. Sample No. 9326-L.)

LIBEL FILED: February 17, 1951, Northern District of Indiana.

ALLEGED SHIPMENT: On or about January 13, 1951, by Mrs. Janus Noodle Co., from Chicago, Ill.

PRODUCT: Noodles. 10 cases, each containing 12 16-ounce packages, and 15 cases, each containing 24 8-ounce packages, at South Bend, Ind.

LABEL, IN PART: "Defiance Brand Kluski."

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

DISPOSITION: May 5, 1951, Default decree of condemnation and destruction.

17314. Adulteration of spaghetti. U. S. v. 9 Cases, etc. (F. D. C. No. 30484. Sample Nos. 13151-L, 13153-L.)

LIBEL FILED: January 23, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about December 28, 1950, by Budget Pack, Inc., from Los Angeles, Calif.

PRODUCT: 12 cases, each containing 24 packages, of spaghetti at Denver, Colo.

LABEL, IN PART: (Package) "Budget Packs Americana Brand Spaghetti 12 Ozs." or "Net Weight One Pound Budget Pack Brand Italian Style Spaghetti."