

MACARONI PRODUCTS

706. Misbranding of macaroni. U. S. v. 61 Cartons of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 1101. Sample No. 86404-D.)

The packages containing this product were filled to about 56 percent of their capacity.

On November 29, 1939, the United States attorney for the District of Maine filed a libel against 61 cartons of macaroni at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about October 13 and November 1, 1939, by A. Zerega's Sons, Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: (Packages) "IGA Elbow Macaroni * * * Packed for Independent Grocers' Alliance Distributing Company, New York."

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

707. Adulteration of macaroni and spaghetti. U. S. v. 5 Cases of Macaroni and 17 Cases of Spaghetti. Default decree of condemnation and destruction. (F. D. C. Nos. 1263, 1264. Sample Nos. 71308-D, 71310-D.)

These articles had been shipped in interstate commerce and were in interstate commerce at the time they were examined, at which time they were found to be insect-infested.

On January 5, 1940, the United States attorney for the District of Arizona filed a libel against 5 cases of macaroni and 17 cases of spaghetti at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce on or about September 15, 1937, and August 18, 1938, by the Anthony Macaroni & Cracker Co., Inc., from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. They were labeled in part: (Case) "La Paloma Brand * * * Macaroni [or "Mission Brand * * * Spaghetti"] Anthony Macaroni and Pretzel Co. Inc. Los Angeles, Calif."

On April 15, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

708. Misbranding of spaghetti. U. S. v. 198 Cases of Spaghetti. Decree of condemnation. Product released under bond for relabeling and reconditioning. (F. D. C. No. 814. Sample No. 47651-D.)

The containers of this product were misleading since their contents occupied on an average only about 42 percent of their capacity.

On October 25, 1939, the United States attorney for the District of Maryland filed a libel against 198 cases of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by Philadelphia Macaroni Co. from Philadelphia, Pa.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: "Gold Seal Brand Spaghetti American Stores Co., Phila., Distributors."

On November 17, 1939, judgment of condemnation was entered and the product was ordered released to the claimant under bond for reconditioning and relabeling. It was repacked in 50-pound boxes and was properly relabeled.

709. Adulteration and misbranding of noodles. U. S. v. 14 Cases of Noodles. Default decree of condemnation and destruction. (F. D. C. No. 1594. Sample Nos. 14101-E, 14103-E, 14104-E.)

This product contained a yellow coal-tar color, tartrazine.

On March 7, 1940, the United States attorney for the District of New Jersey filed a libel against 14 cases of noodles at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about February 9 and 16, 1940, by V. Arena & Sons, Inc., from Norristown, Pa.; and charging that it was adulterated and misbranded. It was labeled in part: (Packages) "Conte Luna Pure Egg Noodles."

It was alleged to be adulterated in that an artificially colored product had been substituted for pure egg noodles. It was alleged to be adulterated further in that artificial color had been added thereto so as to make it appear better or of greater value than it was with respect to egg content.

It was alleged to be misbranded in that the statement in the labeling, "Pure Egg Noodles * * * Made from semolina and egg yolk," was false and misleading as applied to an article that contained artificial color.