

LABEL, IN PART: "Gioia Brand Macaroni Stortini [or "Elbows"]," "Gioia Brand Pure Egg Noodles Wide [or "Medium"]," or "Gioia Brand Magliette No. 22 [or "Acine Di Pepe No. 34"] Highest Quality Macaroni Products."

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

Misbranding, Section 403 (d), (Pittsburgh lot) the containers of the articles were so filled as to be misleading since the products occupied, on an average, only about 75 percent of the volume of the packages; and, Section 403 (e) (2), a portion failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: June 26 and September 21, 1945. No claimant having appeared, judgments of condemnation were entered. It was ordered that the adulterated products be destroyed, and that the misbranded products be delivered to a charitable institution.

9660. Adulteration and misbranding of macaroni products. U. S. v. V. Viviano & Bros. Macaroni Manufacturing Co., Inc. Plea of nolo contendere. Fine, \$700. (F. D. C. No. 16532. Sample Nos. 62327-F to 62330-F, incl., 12926-H, 20025-H.)

INFORMATION FILED: August 14, 1945, Eastern District of Missouri, against V. Viviano & Bros. Macaroni Mfg. Co., Inc., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about November 29, 1944, and January 5, 1945, from the State of Missouri into the States of Alabama, Indiana, and Nebraska.

PRODUCT: 5 shipments of macaroni products prepared under insanitary conditions; and 1 shipment of pastina labeled as containing 500 International Units of vitamin B₁ per package, but containing not more than 77 International Units of vitamin B₁ per package.

LABEL, IN PART: (Portion) "Supreme Quality Viviano [or "Macaroni," "Elbow Macaroni," "Sea Shells," "Spaghetti," or "Gragnano"]; (Remainder) "Contains Vitamin B₁ 500 International Units Per Pkg. New Baby Pastina."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), portions of the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth; and, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the pastina.

Misbranding, Section 403 (a), the label statement on the packages of pastina, "Contains Vitamin B₁ 500 International Units Per Pkg.," was false and misleading.

DISPOSITION: October 30, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each of the 7 counts.

9661. Adulteration of macaroni. U. S. v. 23 Cases and 14 Cases of Macaroni. Default decree of condemnation. Portion ordered delivered to a charitable institution, for use as animal feed; remainder ordered destroyed. (F. D. C. Nos. 17139, 17140. Sample Nos. 28758-H to 28762-H, incl.)

LABELS FILED: August 22, 1945, District of Ohio and District of Oregon.

ALLEGED SHIPMENT: On or about July 19, 1945, by the Mission Macaroni Co., Seattle, Wash.

PRODUCT: 23 cases of macaroni at Lewiston, Idaho, and 14 cases of the same product at Hermiston, Oreg.

LABEL, IN PART: "Mission Brand [or "Best Bet"] * * * Macaroni."

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

DISPOSITION: October 1 and 4, 1945. No claimant having appeared, judgments of condemnation were entered and the Lewiston lot was ordered delivered to a charitable institution, for use as animal feed, and the Hermiston lot was ordered destroyed.