

made, formed, or filled as to be misleading. The article was labeled in part: (Pkgs.) "Tampa-Maid Brand Spaghetti 6 Ozs. Net Weight."

On August 26, 1942, the United Food Brokers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of the Food and Drug Administration.

3866. Misbranding of macaroni and spaghetti. U. S. v. 52 Cases of Spaghetti and 13 Cases of Macaroni. Consent decree of condemnation. Products ordered destroyed. (F. D. C. Nos. 2229, 2486. Sample Nos. 1344-E, 24337-E.)

The spaghetti occupied only about 30 percent of the capacity of the package and the elbow macaroni occupied on an average about 70 percent of the capacity of the package.

On June 18 and August 5, 1940, the United States attorneys for the District of Maryland and the District of Delaware filed libels against 52 cases of spaghetti at Baltimore, Md., and 13 cases of macaroni at Wilmington, Del., alleging that the articles had been shipped in interstate commerce within the period from on or about March 28 to on or about July 12, 1940, by the Krumm Macaroni Co., Inc., from Lebanon, Pa.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Duroni Spaghetti," or "Krumm's Elbow Macaroni."

On August 2 and September 6, 1940, the Keystone Macaroni Manufacturing Co. of Lebanon, Pa., claimant, filed answers to the libels denying that the products had been shipped by the Krumm Macaroni Co., Inc., and alleging that they had been shipped by the claimant which was the successor to the Krumm Macaroni Co., Inc., and further denying that the products were misbranded. On September 6, 1940, the claimant filed a petition in the United States District Court for the District of Maryland for consolidation of the cases for trial in that district. On September 13, 1940, the Government filed an answer to claimant's petition for consolidation of the cases denying that the issues involved were the same. On October 25, 1940, the claimant's motion was argued before the court and on October 29, 1940, the court ordered that the cases be consolidated and that the clerk transmit a copy of the order to the clerk of the District of Delaware with the request that the records of the action pending in that district be sent to the District of Maryland. On July 7, 1942, the claimant filed a motion to withdraw its answer and claim in the consolidated case and on the same date a judgment of condemnation was entered and the products were ordered destroyed.

3867. Adulteration of soda crackers. U. S. v. 64 Boxes of Crispy Crackers. Default decree of condemnation and destruction. (F. D. C. No. 7552. Sample No. 93139-E.)

Examination of this product showed that it was contaminated with petroleum oil.

On May 26, 1943, the United States attorney for the Eastern District of Washington filed a libel against 64 boxes of Crispy Crackers at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about May 2, 1942, by the Loose-Wiles Biscuit Co. from Spokane, Wash., to Boise, Idaho, but had been rejected by the consignee; and charging that it was adulterated in that it was unfit for food. It was labeled in part: "Sunshine Biscuits * * * Krispy Crackers."

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3868. Adulteration of pies. U. S. v. Alton King (Mrs. King's Bakery). Plea of guilty. Fine, \$200. (F. D. C. No. 7217. Sample Nos. 48935-E, 48937-E, 48938-E, 48985-E, 48987-E.)

These products contained rodent hair fragments, insects, and insect fragments.

On June 25, 1942, the United States attorney for the Northern District of Georgia filed an information against Alton King, trading as Mrs. King's Bakery, at Atlanta, Ga., alleging shipment in interstate commerce on or about September 23 and November 25, 1941, from the State of Georgia into the State of South Carolina of quantities of pies that were adulterated. The articles were labeled in part: "Mrs. King's Quality Pies."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On September 21, 1942, the defendant entered a plea of guilty and on September 25, 1942, the court imposed a fine of \$200.