

**4935. Adulteration of macaroni. U. S. v. 35 Cartons of Macaroni (and 3 additional seizure actions against macaroni). Default decrees of condemnation and destruction.** (F. D. C. Nos. 9511, 9512, 9845, 9846. Sample Nos. 44921-F, 44922-F, 45144-F, 45147-F.)

On March 12 and April 22, 1943, the United States attorney for the District of New Jersey filed libels against a total of 58 cartons of macaroni at Newark, N. J., and 21 cases and 42 cartons at Perth Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about February 22 and March 29, 1943, by the Refined Macaroni Co. from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4936. Adulteration of macaroni. U. S. v. 14 Boxes of Macaroni (and 2 additional seizure actions against macaroni). Default decrees of condemnation and destruction.** (F. D. C. Nos. 9458 to 9460, incl. Sample Nos. 17189-F, 17191-F, 17192-F, 18515-F.)

On March 2, 1943, the United States attorney for the District of New Jersey filed libels against a total of 38 boxes of macaroni at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 26 and February 3, 1943, by G. Santoro & Sons, Inc., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Santoro Grade A Macaroni."

On June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4937. Adulteration of macaroni. U. S. v. 19 Cases and 8 Cases of Macaroni. Default decree of condemnation and destruction.** (F. D. C. No. 9576. Sample No. 12950-F.)

This product had been stored under insanitary conditions after shipment and, when examined, the cases had been gnawed by rodents, mouse pellets were found on the cases, and the floor was covered with mouse pellets, debris, and macaroni which had spilled through rodent-gnawed holes in the packages. Examination of samples of the product showed the presence of mouse pellets and rodent hairs.

On March 29, 1943, the United States attorney for the District of Idaho filed a libel against 27 cases of macaroni at Lewiston, Idaho, in the possession of Morgan Bros. & Co., alleging that the article had been shipped in interstate commerce on or about September 30, 1942, from Spokane, Wash.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Taystie Brand Cut Macaroni \* \* \* [or "Elbow Macaroni"]."

On April 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4938. Adulteration of spaghetti and macaroni. U. S. v. 282 Cases of Spaghetti and 237 Cases of Macaroni. Consent decree of condemnation. Product ordered destroyed.** (F. D. C. No. 9482. Sample Nos. 33611-F, 33612-F.)

On March 4, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 282 cases of spaghetti and 237 cases of elbow macaroni at Erie, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about December 14, 1942, to January 28, 1943, by the Gioia Macaroni Co. from Rochester, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The articles were labeled in part: "Brimful Brand Spaghetti [or "Elbows"] Distributed by Kitchen Products Inc. Chicago," or "Blue and White Elbows Macaroni [or "Spaghetti"]."

On June 22, 1943, the sole intervenor, the shipper, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**4939. Misbranding of macaroni and spaghetti. U. S. v. 85 Cases of Macaroni and 147 Cases of Spaghetti. Consent decree of condemnation. Product ordered released under bond for relabeling and repackaging.** (F. D. C. No. 9435. Sample Nos. 9775-F, 9776-F.)

This product was short of the declared weight.

On March 3, 1943, the United States attorney for the Northern District of Texas filed a libel against 85 cases of macaroni and 147 cases of spaghetti at Dallas, Tex.,