

LABEL, IN PART: (Bags or boxes) "Viviano Brand [or "Blue Rose Brand"] * * * Vivison Macaroni Co., Inc. * * * Detroit, Michigan."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae, cast skins, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 14 and October 10, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

6612. Adulteration of spaghetti and macaroni. U. S. v. 563 Cases of Macaroni, and 32 Cases and 84 Cases of Spaghetti (and 3 other seizure actions against macaroni and spaghetti). Decrees of condemnation. One lot ordered delivered to a government agency, to be used for rat food or rat poison bait; remaining lots ordered released under bond. (F. D. C. Nos. 11059, 11247, 11285, 11465. Sample Nos. 3779-F to 3782-F, incl., 43356-F, 43357-F, 43822-F to 43824-F, incl., 58213-F to 58220-F, incl.)

LIBEL FILED: Between November 2 and December 23, 1943, District of Colorado and Western District of Oklahoma.

ALLEGED SHIPMENT: From on or about February 18 to October 21, 1943, by the Gooch Food Products Co., from Lincoln, Nebr.

PRODUCT: 372 cases of spaghetti and 836 cases of macaroni at Oklahoma City, Okla., and 64 cases of spaghetti, 318 cases of macaroni, and 177 cases of spaghetti or macaroni at Denver, Colo.

LABEL, IN PART: "Triumph Brand Spaghetti [or "Shell Macaroni," or "Elbow Macaroni"]," "Macaroni Products Gooch's Best," "Altitude Brand Spaghetti [or "Macaroni"]," or "Target Brand Ready-Cut Spaghetti [or "Elbow Macaroni"] Distributed by Lincoln Mills, Lincoln, Neb."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, rodent hair fragments, fragments resembling rodent hairs, insects, larvae, insect fragments, and dirt; and, Section 402 (a) (4), a portion of the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 21, 1944. The Oklahoma cases having been consolidated, and the Gooch Food Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into poultry or livestock feed, under the supervision of the Food and Drug Administration. No claimant having appeared for the Denver lot, judgment of condemnation was entered on March 2, 1944, and the product was ordered sold to be denatured for use as animal food, under the supervision of the Food and Drug Administration. No purchaser having been found, an amended decree was entered on March 27, 1944, ordering the product delivered to a government agency, to be used in the preparation of rat food or rat poison bait.

BAKERY PRODUCTS*

6613. Adulteration of bakery products. U. S. v. Loose-Wiles Biscuit Co. Plea of guilty. Fine, \$3,500. (F. D. C. No. 11393. Sample Nos. 44215-F, 56065-F, 57030-F, 57041-F, 57307-F, 57313-F, 57316-F.)

INFORMATION FILED: On May 24, 1944, in the Eastern District of New York, against the Loose-Wiles Biscuit Co., a corporation, Long Island City, N. Y.

ALLEGED SHIPMENT: From on or about April 9, 1943, to January 4, 1944, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Krispy * * * Crackers," "Sunshine Kosher Crackers," "Cracker Meal," "Clover Leaves," "Sunshine * * * Hydrox," "Chocolate Nuggets."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following types of filth: Larvae, insect fragments, larva or insect heads, rodent hair fragments, cat hair fragments, a rodent-type hair fragment, a human hair fragment, and a feather barbule; and, Section 402 (a) (4), they had been

*See also No. 6800.

prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: On June 23, 1944, a plea of guilty was entered and a fine of \$500 was imposed on each of 7 counts, a total fine of \$3,500.

6614. Adulteration and misbranding of bakery products. U. S. v. Fred N. Malouff (Freddie's Bakery). Plea of guilty. Fine, \$500. (F. D. C. No. 11331. Sample Nos. 15347-F, 15348-F, 15350-F to 15352-F, incl., 16166-F to 16171-F, incl.)

INFORMATION FILED: On February 11, 1944, in the District of Colorado, against Fred N. Malouff, trading as Freddie's Bakery, at Trinidad, Colo.

ALLEGED SHIPMENT: On or about March 24 and May 4, 1943, from the State of Colorado into the State of New Mexico.

LABEL, IN PART: "Freddie's * * * White [or "Wheat"] Bread," "Freddie's Bakery Cup Cakes," or "Freddie's Oven Fresh Sponge Cake [or "Sweet Rolls," "Vienna Bread," "Bread Donuts," or "Cinnamon Rolls"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insect fragments, a larva, rodent hairs, rodent-type hairs, feather barbules, threads, carbon, seta, and nondescript material; and, Section 402 (a) (4), they had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding (one lot of white bread), Section 403 (a), the statement "16 Ozs. Or Over," borne on the wrappers, was false and misleading since the wrappers contained less than 16 ounces of bread; and, Section 403 (e) (2), it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

DISPOSITION: April 1, 1944. A plea of guilty having been entered, a fine of \$100 was imposed on each of 5 counts, a total fine of \$500.

6615. Misbranding of cookies. U. S. v. Neumans, Inc. (Cal-Ray Bakeries). Plea of guilty. Fine, \$20. (F. D. C. No. 11391. Sample Nos. 39444-F, 39461-F.)

INFORMATION FILED: On April 26, 1944, in the Southern District of California against Neumans, Inc., trading as the Cal-Ray Bakeries, Glendale, Calif.

ALLEGED SHIPMENT: On or about July 27 and August 10, 1943, from the State of California into the State of Arizona.

LABEL, IN PART: "CalRay Cookies Betterettes [or "Cocoanut Wafer"]."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements on the labels of the article, "A delicious tasty cocoanut treat made with * * * Cocoanut," or "Cocoanut Wafer * * * made with * * * cocoanut," were false and misleading since the article did not contain coconut.

DISPOSITION: May 8, 1944. The defendant having entered a plea of guilty, a fine of \$10 was imposed on each of 2 counts, a total fine of \$20.

6616. Misbranding of crackers. U. S. v. 1,146 Dozen Boxes of Crackers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11980. Sample Nos. 47379-F, 47380-F, 72501-F to 72503-F, incl.)

LIBEL FILED: March 10, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: From on or about February 7 to 24, 1944, by the Union Biscuit Co., from St. Louis, Mo.

PRODUCT: 271 dozen 1-pound boxes of graham crackers, and 450 dozen 2-pound boxes and 425 dozen 1-pound boxes of salted crackers at Memphis, Tenn.

LABEL, IN PART: (Boxes) "Honey Flavored Graham Crackers * * * Weight One Pound," or "Princess Crackers Salted Weight One Pound [or "Two Pounds"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the labeling of the article, "Weight One Pound," or "Weight Two Pounds," were false and misleading since the article contained less than the declared weight; and, Section 403 (e) (2), the crackers were in package form and failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: March 18, 1944. The Union Biscuit Co., claimant, having admitted the allegations of the libel, judgment was entered nunc pro tunc as of March 11, 1944, condemning the product and ordering that it be released under bond to be repacked under the supervision of an employee of the Federal Security Agency.