

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug and Cosmetic Act]

7351-7500

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 2, 1945.

CONTENTS

	Page		Page
Cereals and cereal products.....	499	Chocolate, sugars, and related products.....	53
Alimentary pastes.....	499	Candy.....	53
Bakery products.....	501	Chocolate and cocoa.....	53
Corn meal.....	503	Sirups, sugars, and topping.....	53
Flour.....	505	Nuts and nut products.....	53
Miscellaneous cereal products.....	524	Oils and fats.....	54

CEREALS AND CEREAL PRODUCTS**ALIMENTARY PASTES**

7351. Adulteration of alimentary pastes. U. S. v. Joseph Pinnola (Vittoria Macaroni Co.). Plea of guilty. Fine, \$1,000. (F. D. C. No. 10575. Sample Nos. 17334-F to 17336-F, incl., 23295-F, 23296-F.)

INFORMATION FILED: January 5, 1944, Eastern District of New York, against Joseph Pinnola, trading as the Vittoria Macaroni Co., Maspeth, Long Island, N. Y.

ALLEGED SHIPMENT: On or about July 9, 1942, and April 28, 1943, from the State of New York into the States of New Jersey and Pennsylvania.

LABEL, IN PART: (Packages) "Vittoria Fusilli Col-Buco * * * Macaroni Egg-Principessa [or "Egg-Fusillini"]," "Vittoria Brand Fusilli Originali Col Buco * * * Egg Fiochetti," or "Alto Brand Alto Products Co. Distributors Philadelphia, Pa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and miscellaneous filth, such as a rodent hair fragment, cat hair fragment, larva heads, and small pebbles; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Further adulteration of portions of the products, Section 402 (b) (2), artificially colored alimentary pastes containing materially less egg solids than

egg alimentary pastes should contain had been substituted in whole or in part for egg alimentary pastes; Section 402 (b) (3), the articles were inferior to egg alimentary pastes, and their inferiority had been concealed by the addition of artificial color; Section 402 (b) (4), artificial color had been mixed or packed therewith so as to make them appear better and of greater value than they were; and, Section 402 (c), they contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

DISPOSITION: November 9, 1944. A plea of guilty was entered, and a fine of \$500 was imposed on each of 2 counts, for a total of \$1,000.

7352. Adulteration of alimentary paste products. U. S. v. V. Viviano & Bros. Macaroni Manufacturing Co., Inc. Plea of guilty. Fine, \$1,400. (F. D. C. No. 12542. Sample Nos. 9875-F, 47241-F, 47242-F, 47436-F to 47439-F, incl.)

INFORMATION FILED: On or about August 22, 1944, Eastern District of Missouri, against the V. Viviano & Bros. Macaroni Manufacturing Co., Inc., St. Louis, Mo.

ALLEGED SHIPMENT: From on or about January 23 to August 11, 1943, from the State of Missouri into the States of Texas, Tennessee, and Arkansas.

LABEL, IN PART: "Medium Egg Noodles," "Belmont Spaghetti [or "Macaroni"]," or "Viviano * * * DeLuxe Macaroni [or "Elbow Macaroni," "Spaghetti," or "Pure Egg Noodles"]."

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: Insects, rodent hairs, hairs resembling rodent or cat hairs, hair fragments resembling rodent hairs, insect fragments, rodent hair fragments, cat hair fragments, adult beetles, insect larvae, and a small fly; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 15, 1944. A plea of guilty was entered, and the defendant was fined \$200 on each of 7 counts, for a total of \$1,400.

7353. Adulteration of egg noodles. U. S. v. 19 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 12809. Sample No. 51674-F.)

LABEL FILED: June 28, 1944, District of Maine.

ALLEGED SHIPMENT: On or about May 10, 1944, by the Musolino Lo Conte Co., from Boston, Mass.

PRODUCT: 19 cases, each containing 12 1-pound bags, of egg noodles at Portland, Maine.

LABEL, IN PART: (Bags) "San Martin Brand Pure Home Style Egg Noodles * * * Mfg. By San Martin Foods Co. Boston, Massachusetts."

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

DISPOSITION: July 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7354. Adulteration of macaroni. U. S. v. 89 Cartons of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 14019. Sample Nos. 73913-F, 73914-F.)

LABEL FILED: October 11, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about May 7 and June 18, 1943, by the Skinner Manufacturing Co., from Omaha, Nebr.

PRODUCT: 55 cartons and 34 cartons, each containing 48 7-ounce packages, of macaroni at Mesa, Ariz.

LABEL, IN PART: "* * * Skinner's The Superior Short Cut [or "Large"] Elbow Macaroni."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: November 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.