

10238. Adulteration of macaroni and noodle products. U. S. v. Indiana Macaroni Co. and John R. Rezzolla, Sr. Pleas of nolo contendere. Individual defendant fined \$100; partnership defendant fined \$1,400 and costs. (F. D. C. No. 16625. Sample Nos. 3086-H, 3089-H, 3092-H, 3453-H, 10494-H, 10505-H, 10506-H.)

INFORMATION FILED: December 28, 1945, Western District of Pennsylvania, against the Indiana Macaroni Co., a partnership, Indiana, Pa., and John R. Rezzolla, Sr., a partner.

ALLEGED SHIPMENT: Between the approximate dates of March 21 and May 1, 1945, from the State of Pennsylvania into the District of Columbia and the States of Maryland and Ohio.

LABEL, IN PART: (Portions) "Maccaroncell [or "Alfabeti"] Approvata * * * Packed For M. E. Horton, Inc. * * * Washington, D. C.," or "Indiana Brand Sea Shell" [or "Pure Egg Noodles"]."

NATURE OF CHARGE: 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 rodent hair fragments; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 9, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of \$100 against the individual defendant. The partnership was fined \$200 on each of the 7 counts, plus costs.

10239. Adulteration of macaroni and noodle products. U. S. v. 36 Cartons of Macaroni, 48 Cartons of Spaghetti, and 11 Cases of Egg Noodles. Default decrees of condemnation. Products ordered delivered to a public institution. (F. D. C. Nos. 17686, 17976. Sample Nos. 14799-H, 14800-H, 16125-H.)

LIBELS FILED: October 1 and 13, 1945, Eastern and Western Districts of Michigan.

ALLEGED SHIPMENT: On or about July 24 and August 9, 1945, by J. Coffaro and Sons, from Chicago, Ill.

PRODUCT: 36 20-pound cartons of elbow macaroni and 48 20-pound cartons of elbow spaghetti at Flint, Mich., and 11 10-pound cases of egg noodles at Grand Rapids, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, insect fragments, rodent hairs, and fragments resembling rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 16 and December 22, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a public institution, for use as stock feed.

10240. Adulteration of noodle soup mix. U. S. v. 55 Cases of Noodle Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 16890. Sample Nos. 28850-H, 28858-H.)

LIBEL FILED: January 23, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about August 14, 1943, from Los Angeles, Calif.

PRODUCT: 55 cases, each containing 4 12-envelope cartons, of noodle soup mix at Seattle, Wash., in possession of the Grocers Wholesale Co. The product was stored under insanitary conditions after shipment. Some of the cartons and envelopes had been gnawed by rodents, and rodent excreta was observed on and in the cartons. Examination showed that the product contained rodent excreta pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.