

10925. Adulteration and misbranding of enriched self-rising flour. U. S. v. 349 Bags * * *. (F. D. C. No. 19609. Sample No. 49027-H.)

LABEL FILED: April 18, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about February 18, 1946, by the Ross Milling Co., from Ottawa, Kans.

PRODUCT: 349 5-pound bags of enriched self-rising flour at Natchez, Miss.

LABEL, IN PART: "Enriched * * * Ross Betsy's Best * * * Self-Rising Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for enriched self-rising flour since it contained less than 2.0 milligrams of thiamine per pound, the minimum permitted by the definition and standard.

DISPOSITION: May 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

MACARONI AND NOODLE PRODUCTS

10926. Adulteration of macaroni products. U. S. v. Salvatore Viviano (Vimco Macaroni Products Co. and S. Viviano Macaroni Manufacturing Co.). Plea of guilty. Fine, \$1,000 and costs on count 1. Sentence suspended on remaining 5 counts and defendant placed on probation for 2 years. (F. D. C. No. 19549. Sample Nos. 3243-H, 10360-H to 10362-H, incl., 10370-H, 10371-H.)

INFORMATION FILED: May 17, 1946, Western District of Pennsylvania, against Salvatore Viviano, trading under the names of the Vimco Macaroni Products Co. and the S. Viviano Macaroni Manufacturing Co., Carnegie, Pa.

ALLEGED SHIPMENT: Between the approximate dates of September 7 and 26, 1945, from the State of Pennsylvania into the States of Virginia, West Virginia, and Ohio.

LABEL, IN PART: "Mayfair Club Long Spaghetti," "La Carnegie Brand Macaroni Products Elbows [or "Spaghetti"]," or "Fireside Brand Elbow Macaroni [or "Long Spaghetti"]."

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 larvae head capsules, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 25, 1946. The defendant having entered a plea of guilty, the court imposed a fine of \$1,000 and costs on count 1. Imposition of sentence was suspended on the remaining 5 counts, and the defendant was placed on probation for a period of 2 years.

10927. Adulteration of macaroni products. U. S. v. Joseph P. Scarpino (Colosseum Macaroni Co.). Plea of nolo contendere. Fine, \$400; defendant placed on probation for a period of 2 years. (F. D. C. No. 20112. Sample Nos. 29720-H, 29721-H.)

INFORMATION FILED: January 20, 1947, Northern District of California, against Joseph P. Scarpino, doing business as the Colosseum Macaroni Co., Sacramento, Calif.; charging the defendant with the giving of a false guaranty. The guaranty was given by the defendant to Safeway Stores, Inc., Sacramento, Calif., on or about January 23, 1941. It provided that the articles comprising each shipment or delivery made by the Colosseum Macaroni Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. During June 1945 and prior to June 12, 1945, the defendant sold and delivered a quantity of macaroni products to the Safeway Stores, Inc.; and on or about June 12, 1945, the Safeway Stores, Inc., shipped the same macaroni products from the State of California into the State of Nevada. The macaroni products so guarantied and shipped were adulterated.

LABEL, IN PART: "Colosseum Macaroni Products."

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

DISPOSITION: May 14, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$400 against the defendant on count 1 and sentenced him to 2 years' probation on count 2.

10928. Adulteration of noodle products. U. S. v. LaPremiata Macaroni Corp. and Vincent J. Cuneo. Pleas of nolo contendere. Corporation fined \$1,000 and costs; individual defendant fined \$100. (F. D. C. No. 19545. Sample Nos. 9663-H, 10393-H, 56056-H, 56068-H.)

INFORMATION FILED: May 14, 1946, Western District of Pennsylvania, against the LaPremiata Macaroni Corp., Connellsville, Pa., and Vincent J. Cuneo, treasurer of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of November 7 and 30, 1945, from the State of Pennsylvania into the States of New York, Ohio, and West Virginia.

LABEL, IN PART: "LaPremiata Macaroni Products Egg Specialties [or "LaPremiata * * * Egg Noodles"]."

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

DISPOSITION: October 30, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined \$1,000 and costs, and the individual defendant was fined \$100.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

10929. Adulteration of popcorn. U. S. v. Wernimont Grain Co. and Joe Wernimont. Pleas of guilty. Partnership fined \$400 and costs. (F. D. C. No. 19519. Sample Nos. 13097-H, 32059-H.)

INFORMATION FILED: April 3, 1946, Northern District of Iowa, against the Wernimont Grain Co., a partnership, Auburn, Iowa, and Joe Wernimont, a partner.

ALLEGED SHIPMENT: On or about April 2 and July 9, 1945, from the State of Iowa into the States of Ohio and California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets, rodent-gnawed kernels, rodent hairs, and insect fragments, and (portion) of a decomposed substance by reason of the presence of moldy and decomposed kernels.

DISPOSITION: May 7, 1946. Pleas of guilty having been entered, the partnership was fined \$400 and costs. No fine was imposed against the individual.

10930. Adulteration of popcorn. U. S. v. 126 Bags * * *. (F. D. C. No. 19243. Sample No. 7336-H.)

LIBEL FILED: February 26, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 23, 1945, by the Barteldes Seed Co., from Lawrence, Kans.

PRODUCT: 126 bags, each containing approximately 100 pounds, of popcorn at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils.

DISPOSITION: August 19, 1946. The Barteldes Seed Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be ground and chopped, or denatured, under the supervision of the Food and Drug Administration, so that it could not be disposed of for human consumption.