

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Mineral Rich!! * * * Wheat Roots, such as pictured above, reach deep into the caliche base of Deaf Smith County soil and assimilate Calcium Phosphorus * * * Calcium and Phosphorus in a high percentage. Sunny-Boy Flour * * * contains more Calcium and Phosphorus than average standard flours," and the design of wheat roots and a man borne on the label were false and misleading since the product contained no more calcium and phosphorus than are found in average standard flours.

DISPOSITION: September 2, 1947. The Fraser Milling 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 relabeled under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

13549. Adulteration of noodle products. U. S. v. Anthony Macaroni & Cracker Co., Anthony Bizzarri, and Edward A. Minni. Pleas of nolo contendere. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 24808. Sample Nos. 30928-K, 31302-K.)

INDICTMENT RETURNED: July 28, 1948, Southern District of California, against the Anthony Macaroni & Cracker Co., a partnership, Los Angeles, Calif., and Anthony Bizzarri and Edward A. Minni, partners.

ALLEGED SHIPMENT: On or about November 11, 1947, and January 30, 1948, from the State of California into the State of Nevada.

LABEL, IN PART: "Anthony's La Paloma Pure Egg Noodles" or "Party Brand Egg Fusilli."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect, beetle, larval, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 1, 1948. Pleas of nolo contendere having been entered, imposition of sentence was suspended and the defendants were placed on probation for 1 year.

13550. Adulteration and misbranding of egg noodles. U. S. v. Jaeger Noodle & Potato Chip Co. and Julius F. Jaeger. Pleas of guilty. Defendants each fined \$200 and costs. (F. D. C. No. 24800. Sample No. 19213-K.)

INFORMATION FILED: June 22, 1948, Northern District of Ohio, against the Jaeger Noodle & Potato Chip Co., a partnership, Booth, Ohio, and Julius F. Jaeger, a partner.

ALLEGED SHIPMENT: On or about November 5, 1947, from the State of Ohio into the State of Michigan.

LABEL, IN PART: "Jaeger's Home Style Fresh Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, the solids of egg or egg yolk, had been in part omitted; and, Section 402 (b) (2), an article deficient in the solids of egg or egg yolk had been substituted in part for egg noodles.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for egg noodles, since the total solids of the food contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: August 17, 1948. Pleas of guilty having been entered, the defendants were each fined \$200, together with costs.

13551. Adulteration of egg noodles. U. S. v. Dante Food Products Co., Inc. Plea of guilty. Fine of \$250 on each of 4 counts. Sentence suspended on counts 2, 3, and 4. (F. D. C. No. 24798. Sample Nos. 6060-K, 6068-K, 6077-K, 7085-K.)

INFORMATION FILED: June 18, 1948, Western District of New York, against Dante Food Products Co., Inc., Buffalo, N. Y.

ALLEGED SHIPMENT: On or about January 17 and 19 and February 4, 1948, from the State of New York into the States of Ohio and Pennsylvania.

LABEL, IN PART: "Marigold Pure Egg Noodles."

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

DISPOSITION: November 15, 1948. A plea of guilty having been entered, the defendant was fined \$250 on each of the 4 counts of the information. The sentence was suspended on all counts but count 1.

13552. Adulteration of macaroni products. U. S. v. 60 Cases * * *. (F. D. C. No. 23436. Sample No. 86893-H.)

LABEL FILED: August 29, 1947, Southern District of Iowa.

ALLEGED SHIPMENT: On or about July 14, 1947, by Roma Macaroni Mfg. Co., Inc., from Chicago, Ill.

PRODUCT: 60 20-pound cases of macaroni products at Des Moines, Iowa.

LABEL, IN PART: "New Castle Brand Alimentary Paste."

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

DISPOSITION: October 9, 1947. Default decree of condemnation and destruction.

13553. Adulteration and misbranding of macaroni and noodle products. U. S. v. 224 Cases, etc. (F. D. C. No. 23156. Sample Nos. 81870-H to 81880-H, incl.)

LABEL FILED: June 3, 1947, District of Idaho.

ALLEGED SHIPMENT: Between the approximate dates of February 18 and March 15, 1947, by U. S. Macaroni Mfg. Co., Inc., from Spokane, Wash.

PRODUCT: 1,087 cases, each containing 12 cellophane bags, of macaroni or noodle products at Boise, Idaho.

LABEL, IN PART: "Taystie Elbows" [or "Salads," "Frills," or "Shells"] or "U. S. Taystie Brand Real Chinese Type Ribbons [or "Chinese Noodles"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (all lots except 94-case lot), products containing added carotene had been substituted for macaroni products or noodles, which the products were represented to be.

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for macaroni products or egg noodles since they contained added carotene, which is not permitted as an optional ingredient; and, Section 403 (g) (2), (94-case lot) the product failed to conform to the definition and standard of identity, since its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: November 5, 1947. The shipper having consented to the entry of a decree, judgment was entered ordering the products released under bond to be sold to charitable institutions.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

13554. Adulteration of canned hominy. U. S. v. 249 Cases * * *. (F. D. C. No. 24603. Sample No. 18952-K.)

LABEL FILED: April 21, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 7, 1947, by Swint's Cannery, from Paris, Tex.

PRODUCT: 249 cases, each containing 24 1-pound, 4-ounce cans, of hominy at Indianapolis, Ind.

LABEL, IN PART: "Hominy Golden Grain."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and decomposed kernels.

DISPOSITION: September 24, 1948. Default decree of forfeiture and destruction.