

MACARONI AND NOODLE PRODUCTS

14343. Adulteration and misbranding of macaroni and noodle products. U. S. v. United States Macaroni Mfg. Co., a corporation, and Vinciguerra DeFelice and Fileno DeFelice. Pleas of guilty. Corporation fined \$1,950; Vinciguerra DeFelice, \$509; and Fileno DeFelice, \$109. (F. D. C. No. 24769. Sample Nos. 61758-H, 81525-H, 81837-H, 81838-H, 81840-H, 81871-H, 81874-H, 81876-H, 81878-H, 81880-H, 82702-H.)

INFORMATION FILED: June 11, 1948, Eastern District of Washington, against the United States Macaroni Mfg. Co., Spokane, Wash., and Vinciguerra DeFelice, president, and Fileno DeFelice, vice president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of April 10, 1946, and April 5, 1947, from the State of Washington into the States of Montana, Idaho, and Oregon.

LABEL, IN PART: "Taystie Elbows Macaroni Products," "Taystie Frills Fresh Egg Noodles," "Taystie Shells Macaroni Products," "Taystie Fresh Egg Noodles," "Taystie Twists Fresh Egg Noodles," "Rose Brand Pure Egg Noodles," or "Taystie Brand Plain Real Chinese Noodles."

NATURE OF CHARGE: Adulteration (elbow macaroni, 1 lot), Section 402 (a), the product consisted in part of a filthy substance by reason of the presence of rodent hair and rodent excreta; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (g) (1), the products purported to be and were represented as macaroni and noodle products, foods for which definitions and standards of identity had been prescribed by the regulations, and they failed to conform to such definitions and standards. With the exception of the lot labeled "Chinese Noodles," they contained added carotene, which is not an ingredient or optional ingredient of macaroni and noodle products, and the "Chinese" noodles contained less than 5.5 percent by weight of the solids of egg or egg yolk, the minimum permitted by the standard for egg noodles.

DISPOSITION: September 30, 1948. Pleas of guilty having been entered, the corporation was fined \$1,500, Vinciguerra DeFelice was fined \$500, and Fileno DeFelice was fined \$100 on count 1 of the information, which charged adulteration. The corporation was fined also \$50 on each of the remaining 9 counts, and the individual defendants were both fined \$1 on each of the 9 counts.

14344. Adulteration of spaghetti, noodles, and macaroni. U. S. v. Quality Macaroni Co., and Henry M. Burchard. Pleas of guilty. Corporation fined \$750; individual fined \$250. (F. D. C. No. 24815. Sample Nos. 24561-K to 24563-K, incl., 24565-K, 25087-K, 26171-K.)

INFORMATION FILED: July 23, 1948, District of Minnesota, against the Quality Macaroni Co., a corporation, St. Paul, Minn., and Henry M. Burchard, president and treasurer.

ALLEGED SHIPMENT: On or about March 2, 3, 4, and 5, 1948, from the State of Minnesota into the States of Wisconsin, North Dakota, and Missouri.

LABEL, IN PART: "Q-M-C Brand Elbow Spaghetti," "Quality Brand Fancy Egg Noodles," or "Quality Brand Macaroni."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, mites, feather fragments, and rodent hair fragments; and, Section 402

(a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 6, 1948. Pleas of guilty having been entered by the defendants, the court imposed a fine of \$750 against the corporation and a fine of \$250 against the individual.

14345. Adulteration of macaroni. U. S. v. 65 Cartons * * *. (F. D. C. No. 25963. Sample No. 30621-K.)

LABEL FILED: October 22, 1948, District of Arizona.

ALLEGED SHIPMENT: On or about September 23, 1948, by the Globe Mills, from Los Angeles, Calif.

PRODUCT: 65 cartons, each containing 24 1-pound bags, of macaroni at Nogales, Ariz.

LABEL, IN PART: "Macaroni * * * Globe A1."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article 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: January 10, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

14346. Adulteration of shelled corn. U. S. v. 100 Bags * * *. (F. D. C. No. 26082. Sample No. 5355-K.)

LABEL FILED: November 29, 1948, District of Rhode Island.

ALLEGED SHIPMENT: On or about October 23, 1948, by the Wilkins-Rogers Milling Co., from Washington D. C.

PRODUCT: 100 100-pound bags of shelled corn at Usquepaugh, R. I.

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 insects.

DISPOSITION: December 23, 1948. Kenyon's Johnny Cake Meal Co., Usquepaugh, R. I., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be disposed of for use as animal feed.

14347. Adulteration of hybrid corn for popping. U. S. v. 74 Bags * * *. (F. D. C. No. 26079. Sample No. 5496-K.)

LABEL FILED: November 18, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 9, 1946, from Atchison, Kans.

PRODUCT: 74 100-pound bags of hybrid corn for popping at Boston, Mass., in the possession of the John W. Leavitt Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 28, 1949. The John W. Leavitt Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the

* See also Nos. 14326, 14341.