

MACARONI AND NOODLE PRODUCTS

15067. Adulteration of macaroni (Sea Shells). U. S. v. Pacific Coast Macaroni Mfg. Co., Inc., and Joseph Merlino. Pleas of guilty. Fine of \$250 and costs against corporation; fine of \$100 against individual. (F. D. C. No. 26342. Sample No. 40751-K.)

INFORMATION FILED: April 25, 1949, Western District of Washington, against the Pacific Coast Macaroni Mfg. Co., Inc., Seattle, Wash., and Joseph Merlino, president of the corporation.

ALLEGED SHIPMENT: On or about November 2, 1948, from the State of Washington into the State of Montana.

LABEL, IN PART: "Three Monks Brand Sea Shells."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted 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 and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 23, 1949. Pleas of guilty having been entered, the court imposed a fine of \$250 and costs against the corporation and a fine of \$100 against the individual.

15068. Adulteration and misbranding of noodles. U. S. v. Frank Gee (World-Noodle Co.). Plea of guilty. Fine of \$100 and costs. (F. D. C. No. 26722. Sample Nos. 40318-K to 40320-K, incl.)

INFORMATION FILED: August 19, 1949, District of Maryland, against Frank Gee, trading as the World-Noodle Co., Baltimore, Md.

ALLEGED SHIPMENT: On or about January 4 and 11, 1949, from the State of Maryland into the District of Columbia.

LABEL, IN PART: (Portion) "Noodles Ingredients: Flour, Egg, Water."

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 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) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to be better or of greater value than it was.

Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since it bore no label containing such statement; Section 403 (g) (1), the product failed to conform to the definition and standard of identity for noodle products since its total solids contained less than 5.5 percent by weight of the solids of egg or egg yolk, and since it contained artificial coloring, which is not an optional ingredient; and, Section 403 (g) (2) (portion), the label failed to bear the name of the food specified in the definition and standard, namely, noodles.

DISPOSITION: October 14, 1949. A plea of guilty having been entered, the defendant was fined \$100, together with costs.