

26752. Flour. (F.D.C. No. 44533. S. Nos. 2-166/7 R.)

QUANTITY: 32 25-lb. bags and 11 25-lb. bags at Rock Hill, S.C.

SHIPPED: 3-16-60, from Lincolnton, N.C., by Banner Roller Mills, Inc.

LABEL IN PART: (Bag) "White Satin Flour * * * Enriched with Vitamins and Iron * * * Banner Roller Mills, Inc., Lincolnton, N.C."

LIBELED: 4-29-60, W. Dist. S.C.

CHARGE: 402(a)(3)—11-bag lot contained insects, all lots contained insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 5-26-60. Consent—destruction.

26753. Flour. (F.D.C. No. 44730. S. No. 35-426 R.)

QUANTITY: 97 100-lb. bags at Bronx, N.Y., in possession of Diamond Baking Co., Inc.

SHIPPED: 5-27-60, from Indianapolis, Ind.

LIBELED: 7-25-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained animal urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-14-60. Consent—claimed by Diamond Baking Co., Inc. Segregated; 57 100-lb. bags denatured.

26754. Flour, chocolate-covered peanuts, chocolate-covered raisins, spaghetti, bran cereal, whole wheat cereal, oat cereal, sugar-coated cereal.
(F.D.C. No. 42188. S. Nos. 37-021 P, 37-023/32 P.)

QUANTITY: 48 50-lb. bags, 110 25-lb. bags, 7 bales, 2 25-lb. bags each, and 12 bales, 10 2-lb. bags each, of flour; 38 ctns., 24 1-oz. pkgs. each, of chocolate-covered peanuts; 15 ctns., 24 1-oz. pkgs. each, of chocolate-covered raisins; 11 cases, 24 7-oz. pkgs. each, of spaghetti; 8 cases, 12 10-oz. pkgs. each, of bran cereal; 8 cases, 12 1-oz. pkgs. each, of whole wheat cereal; 15 cases, 12 1-oz. pkgs. each, of oat cereal; and 5 cases, 24 10-oz. pkgs. each, of sugar-coated cereal, at Memphis, Tenn., in possession of Clayton-Brown Co., Inc.

SHIPPED: Between 12-8-57 and 8-9-58, from Mt. Vernon, and Chicago, Ill., Reading, Pa., St. Joseph, Mo., and Niagara Falls, N.Y.

LIBELED: 9-12-58, W. Dist. Tenn.

CHARGE: 402(a)(3)—110-bag lot of flour contained rodent urine, all other lots contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-27-58. Default—delivered to a public institution for use as animal feed.

MACARONI AND NOODLE PRODUCTS

26755. Egg pastina, carrot pastina, spinach pastina, mezzani macaroni, linguini, spaghetti, and vegetable egg noodles. (F.D.C. No. 44563. S. Nos. 32-991/7 R.)

QUANTITY: 99 cases, 24 6-oz. boxes each, of egg pastina; 40 cases, 12 6-oz. boxes each, of carrot pastina; 32 cases, 12 6-oz. boxes each, of spinach pastina; 4 cases, 12 16-oz. bags each, of mezzani macaroni; 5 cases, 12 16-oz. bags each, of linguini; 5 cases, 12 16-oz. bags each, of spaghetti; and 64 cases, 12 12-oz. boxes each, of vegetable egg noodles; at Brooklyn, N.Y.

SHIPPED: Between 1-27-60 and 3-22-60, from Lowell, Mass., by Prince Macaroni Mfg. Co.

LABEL IN PART: (Box) "Prince Egg Pastina for Baby * * * Enriched! Two ounces of this product when cooked supplies not less than the following minimum daily requirement: B₁ (Thiamine) 50%; Vitamin B₂ (Riboflavin) 10.5%; Iron 16.2% and 3.0 mgs. of Niacin"; (box) "Prince Carrot Pastina for Baby * * * Enriched! Four ounces of this product when cooked supplies not less than the following proportions of the minimum adult daily requirements of these essential food substances: B₁ (Thiamine) 50%; Vitamin B₂ (Riboflavin) 25%; Iron 32%; Niacin 40%"; (box) "Prince Spinach Pastina for Baby * * * Enriched! Two ounces of this product when cooked supplies not less than the following minimum daily requirements: B₁ (Thiamine) 50%; Vitamin B₂ (Riboflavin) 17.5%; Iron 16.2% and 34.0% mgs. of Niacin"; (bag) "Prince * * * Now! Vitamin Enriched Wheat Germ Added Veta-Roni Low in Calories * * * Mezzani Macaroni [or "Linguini" or "Spaghetti"]"; and (box) "Prince * * * Equivalent to 37% fresh vegetables Vegetable Egg Noodles * * * Enriched: Four ounces of this product when cooked supplies not less than * * * You'll love being slim! * * * Prince Vegetable Egg Noodles contain the concentrate of fresh vegetables—defatted wheat germ, protein-rich egg yolks and enriched protein flour."

LABELED: 5-16-60, E. Dist. N.Y.

CHARGE: Egg pastina, carrot pastina, and spinach pastina, 403(g)—when shipped, the articles purported to be and were represented as (egg pastina) an enriched noodle product and (carrot pastina and spinach pastina) vegetable macaroni products, foods for which definitions and standards of identity have been prescribed, and the carrot pastina and spinach pastina failed to conform to the definitions and standards since enrichment and wheat germ had been added to such articles, and the labels of the egg pastina, carrot pastina, and spinach pastina failed to bear the name of such foods as specified in the definitions and standards; and 403(j)—the articles purported to be and were represented as foods for special dietary uses by reason of their vitamin and mineral content and their labels failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for infants for vitamin B₁, vitamin B₂, niacin or niacinamide, and iron, and the specific plant name which was the source of the "special enriched flour" in the articles.

Mezzani, linguini, and spaghetti, 403(a)—when shipped, the label statement "Low in Calories" was false and misleading since the articles were not low in calories; 403(g)—the articles purported to be and were represented as enriched macaroni products, foods for which definitions and standards of identity have been prescribed, and they failed to conform to such definitions and standards since they contained soya flour and their labels failed to bear the names of the foods specified in the definitions and standards; and 403(j)—the articles purported to be and were represented for special dietary uses by reason of their vitamin and mineral properties and caloric content, and their labels failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamin B₁, riboflavin, niacin or niacinamide, and iron supplied by the articles when consumed in a specified quantity during a period of one day, and a statement of the percent by weight of protein, fat, and available carbohydrates in the articles and the number of available calories supplied by a specified quantity of the articles.

Vegetable egg noodles, 403(a)—when shipped, the label statements “Equivalent to 37% fresh vegetables” and “contain the concentrate of fresh vegetables” were false and misleading since the article contained dehydrated vegetables; and the label statement “You’ll love being slim” and the vignette of a slim woman were false and misleading as applied to a product which was not capable of causing weight reduction or for maintaining slimness; 403(f)—the net weight statement, statement of ingredients, and information pertaining to the special dietary properties of the article required by the regulations to appear on the label were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(g)—the article purported to be and was represented as vegetable egg noodles, a food for which a definition and standard of identity has been prescribed and it failed to conform to such definition and standard in that enrichment and wheat germ had been added to the article and in that its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: 6-27-60. Default—delivered to a Federal institution for consumption by the inmates.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

26756. Barley, unpopped popcorn, piecrust mix, hot roll mix, corn muffin mix, egg noodles, and macaroni. (F.D.C. No. 42433. S. Nos. 7-063 P, 8-016/20 P, 8-161 P.)

INFORMATION FILED: 3-11-59, Dist. Conn., against New London Paper & Supply Co., Inc., New London, Conn., and Nathan N. Rosen, secretary and general manager of the corporation.

ALLEGED VIOLATION: (Counts 1 to 6 of the information.) On 9-11-58 and 9-12-58, the defendants caused quantities of barley, popcorn, piecrust mix, hot roll mix, corn muffin mix, and egg noodles, while held for sale after shipment in interstate commerce, to be held in a building accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated; and (count 7) on 9-25-58, the defendants caused to be introduced into interstate commerce at New London, Conn., for delivery to Westerly, R.I., a quantity of macaroni which was adulterated.

CHARGE: 402(a)(3)—the articles contained insects; and 402(a)(4)—the articles had been held under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury. At the conclusion of the testimony, the case was taken under advisement by the court and on 6-4-59, the court found the defendants not guilty on counts 5 and 6 relating to the corn muffin mix and egg noodles, and guilty on the other counts of the information, and in connection therewith it handed down the following findings of fact and memorandum of decision:

*See also No. 26754.