

LABEL, IN PART: (Jars) "Brimfull Brand Coffee Net Weight 1 Lb.," or "Red & White Brand * * * Coffee Net Weight 1 Lb. Red & White Corp'n. Distributors, Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than 1 pound net weight.

DISPOSITION: August 1, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$50 on each of 3 counts was imposed, a total fine of \$150.

8510. Adulteration and misbranding of orange-, lemon-, and grape-flavored sirups. U. S. v. 90 Cases of Home Brand Nectar Sirup (Orange, Lemon and Grape Flavors). Default decree of condemnation and destruction. (F. D. C. No. 15149. Sample Nos. 74887-F to 74889-F, incl.)

LABEL FILED: February 20, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about June 9, 1944, by the Empire Freight Co., from Los Angeles, Calif. The shipment was invoiced by the California Associated Products Co., Los Angeles, Calif.

PRODUCT: 200 cases, each containing 24 8-ounce bottles, of orange-, lemon-, and grape-flavored sirups at Everett, Wash.

LABEL, IN PART: "Home Brand Nectar Sirup Orange [or "Lemon" or "Grape"] Flavor * * * Greene Products Company * * * Los Angeles California * * * Contains Sugar, Water, Concentrated Orange [or "Lemon" or "Grape"] Juice and other Natural Flavors, Citric Acid, Phosphoric Acid, Artificial Food Colors, less than $\frac{1}{10}$ of 1% Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, concentrated orange juice, lemon juice, and grape juice, had been omitted in whole or in part from the respective articles; and, Section 402 (b) (4), artificial color and acids, plus orange oil in the orange-flavored sirup, lemon oil in the lemon-flavored sirup, and artificial flavor in the grape-flavored sirup, had been added to the respective articles and mixed and packed with them so as to make them appear to be sirups containing a substantial amount of concentrated orange, lemon, or grape juice, which sirups are better or of greater value than the articles were.

Misbranding, Section 403 (a), the label statements, "Contains * * * Concentrated Orange Juice * * * making jelly and marmalade * * * Orange Juice—simply add water to this sirup and drink as orange juice," "Contains * * * Concentrated Lemon Juice * * * can also be used to make marmalade and jelly," and "with Other Natural Flavors * * * Contains * * * Concentrated Grape Juice, and Other Natural Flavors * * * making jelly and marmalade * * * Grape Juice—simply by adding water to 'Nectar Sirup' drink as grape juice," were false and misleading as applied to the articles, which contained inconsequential amounts of concentrated orange juice, concentrated lemon juice, and concentrated grape juice.

DISPOSITION: September 7, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS

MACARONI AND NOODLE PRODUCTS

8511. Adulteration of macaroni and noodle products. U. S. v. Favro Macaroni Manufacturing Co., a partnership, and Armand Favro. Pleas of guilty. Partnership fined \$504; individual fined \$4 and sentenced to serve 3 months in jail; jail sentence suspended, and individual defendant placed on 3 years' probation. (F. D. C. No. 14288. Sample Nos. 74541-F, 74543-F, 74722-F, 74956-F, 83501-F.)

INFORMATION FILED: August 23, 1945, Western District of Washington, against the Favro Macaroni Manufacturing Co., a partnership, Seattle, Wash., and Armand Favro, a partner.

ALLEGED SHIPMENT: Between the approximate dates of September 6 and October 13, 1944, from the State of Washington into the States of Montana, Oregon, and Idaho.

LABLE, IN PART: (Portion) "100% Semolina Sedani [or "Long Capellini"] Cinelli's Best Imported Style Paste Seattle G. Cinelli Company Tacoma"; (remainder) "Mostacioli," "Egg Noodles," "Orzo," "Spaghetti," "Vermicelli,"

"Perciattelli," "Chifferi Rigati," "Grandina," "Star," "Rigatoni," "Elbow Macaroni," or "Egg Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a), the products consisted in whole or in part of filthy substances by reason of the presence of live insects, insect fragments, insect excreta and webbing, rodent hairs, and a rodent excreta fragment; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: October 11, 1945. Pleas of guilty having been entered on behalf of the defendants, the partnership was fined \$500 on count 1 and \$1 on each of counts 2, 3, 4, and 5. The individual defendant was sentenced to serve 3 months in jail on count 1 and was fined \$1 on each of counts 2, 3, 4, and 5. The jail sentence was suspended, and the individual defendant was placed on probation for 3 years, with the provision that he clean up and maintain his manufacturing premises to the satisfaction of the Food and Drug Administration.

8512. Adulteration of macaroni and noodle products. U. S. v. 9 Cases of Egg Noodles, 22 Bags of Bombolati, 6 Cases of Macaroni, 2 Cases of Long Spaghetti, and 10 Bags of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 16742. Sample Nos. 29289-H, 29704-H to 29708-H, incl.)

LIBEL FILED: June 23, 1945, District of Nevada.

ALLEGED SHIPMENT: On or about May 19, 1945, by the Italian American Paste Co., Inc., from San Francisco, Calif.

PRODUCT: 9 cases of egg noodles, 22 bags of bombolati, 6 cases of macaroni, 2 cases of spaghetti, and 10 bags of macaroni at Reno, Nev.

LABEL, IN PART: "Best Quality Egg Noodles," "Semolina Best Quality Paste," or "Granulated Semolina Product."

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

DISPOSITION: August 6, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8513. Adulteration of macaroni and noodle products. U. S. v. 11 Cases of Macaroni and Noodle Products. Default decree of condemnation and destruction. (F. D. C. No. 16347. Sample Nos. 5846-H to 5850-H, incl.)

LIBEL FILED: June 8, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 17, 1945, by the Cardinale Macaroni Manufacturing Co., Inc., from Brooklyn, N. Y.

PRODUCT: 11 cases, each containing 20 1-pound cartons, of macaroni and noodle products at Hoboken, N. J.

LABEL, IN PART: "Cardinale Grade A Macaroni * * * Spaghetti [or "Spaghetтини," or "Maruzzelle Liscie"]," or "Cardinale Quick Cooking Sea Shells [or "Grade A Macaroni Products"]."

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

DISPOSITION: November 7, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8514. Adulteration and misbranding of macaroni and noodle products. U. S. v. 121 Cases of Egg Noodles (and 16 other seizure actions against macaroni and noodle products). Default decrees of condemnation. Portion of products ordered delivered to public institutions, for use as animal feed; remainder ordered destroyed. (F. D. C. Nos. 15979, 16122, 16180, 16210 to 16212, incl.; 16230 to 16232, incl.; 16258, 16259, 16291, 16293, 16310, 16312, 16316, 16741. Sample Nos. 3080-H to 3082-H, incl.; 3084-H to 3092-H, incl.; 3451-H to 3453-H, incl.; 9434-H, 10063-H, 10064-H, 10069-H to 10073-H, incl.; 10075-H, 10077-H, 10083-H, 10084-H, 10274-H to 10276-H, incl.; 10477-H, 10494-H to 10499-H, incl.; 10504-H to 10507-H, incl.; 14617-H, 17630-H.)

LIBELS FILED: Between April 28 and June 21, 1945, Western District of New York, District of Maryland, Northern and Southern Districts of Ohio, Eastern