

"Grated Roman Cheese," were false and misleading since the article contained a milk product other than cheese.

DISPOSITION: August 9, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions after destruction of the labels under the direction of the Food and Drug Administration.

9830. Adulteration and misbranding of canned spaghetti with mushroom sauce. U. S. v. 85 Cases of Spaghetti with Mushroom Sauce. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19823. Sample No. 37462-H.)

LIBEL FILED: May 10, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about December 17, 1945, by the Three Ribbons Packing Co., from Mountain View, Calif.

PRODUCT: 85 cases, each containing 24 1-pound jars, of spaghetti with mushroom sauce at Seattle, Wash.

LABEL, IN PART: "3 Ribbons Spaghetti With Mushroom Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, mushrooms, had been omitted from the product.

Misbranding, Section 403 (a), the label designation, "Spaghetti with Mushroom Sauce," was false and misleading since the product contained no detectable amount of mushrooms.

DISPOSITION: August 9, 1946. The Three Ribbons Packing 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.

9831. Misbranding of spaghetti and noodles. U. S. v. 48 Packages of Spaghetti and 42 Packages of Noodles. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 19866. Sample Nos. 8986-H, 8987-H.)

LIBEL FILED: April 11, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about March 5, 1946, by the Dietetic Food Co., Inc., from Brooklyn, N. Y.

PRODUCT: 48 3-ounce packages of spaghetti and 42 3-ounce packages of noodles at Oradell, N. J.

LABEL, IN PART: "Dia-Mel Special Dietetic Product Gluten Spaghetti [or "Noodles"]."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the articles were so filled as to be misleading since the spaghetti occupied on an average only about 30 percent of the volume of the carton, and the noodles occupied on an average only about 43 percent of the volume of the carton.

DISPOSITION: June 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

MISCELLANEOUS CEREAL PRODUCTS

9832. Adulteration of Cerol (precooked cereal). U. S. v. 41 Cases of Cerol. Default decree of condemnation and destruction. (F. D. C. No. 20506. Sample No. 5459-H.)

LIBEL FILED: July 10, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 16, 1946, by H. H. Clapp, Inc., from Rochester, N. Y.

PRODUCT: 41 cases, each containing 24 8-ounces packages, of Cerol at Philadelphia, Pa.

LABEL, IN PART: "Cerol A Pre-Cooked Cereal for Infants and Children With Papaya Fruit."

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

DISPOSITION: August 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.