

**10925. Adulteration and misbranding of enriched self-rising flour. U. S. v. 349 Bags \* \* \*. (F. D. C. No. 19609. Sample No. 49027-H.)**

**LABEL FILED:** April 18, 1946, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about February 18, 1946, by the Ross Milling Co., from Ottawa, Kans.

**PRODUCT:** 349 5-pound bags of enriched self-rising flour at Natchez, Miss.

**LABEL, IN PART:** "Enriched \* \* \* Ross Betsy's Best \* \* \* Self-Rising Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B<sub>1</sub>), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for enriched self-rising flour since it contained less than 2.0 milligrams of thiamine per pound, the minimum permitted by the definition and standard.

**DISPOSITION:** May 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

#### MACARONI AND NOODLE PRODUCTS

**10926. Adulteration of macaroni products. U. S. v. Salvatore Viviano (Vimco Macaroni Products Co. and S. Viviano Macaroni Manufacturing Co.).** Plea of guilty. Fine, \$1,000 and costs on count 1. Sentence suspended on remaining 5 counts and defendant placed on probation for 2 years. (F. D. C. No. 19549. Sample Nos. 3243-H, 10360-H to 10362-H, incl., 10370-H, 10371-H.)

**INFORMATION FILED:** May 17, 1946, Western District of Pennsylvania, against Salvatore Viviano, trading under the names of the Vimco Macaroni Products Co. and the S. Viviano Macaroni Manufacturing Co., Carnegie, Pa.

**ALLEGED SHIPMENT:** Between the approximate dates of September 7 and 26, 1945, from the State of Pennsylvania into the States of Virginia, West Virginia, and Ohio.

**LABEL, IN PART:** "Mayfair Club Long Spaghetti," "La Carnegie Brand Macaroni Products Elbows [or "Spaghetti"]," or "Fireside Brand Elbow Macaroni [or "Long Spaghetti"]."

**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 larvae head capsules, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** November 25, 1946. The defendant having entered a plea of guilty, the court imposed a fine of \$1,000 and costs on count 1. Imposition of sentence was suspended on the remaining 5 counts, and the defendant was placed on probation for a period of 2 years.

**10927. Adulteration of macaroni products. U. S. v. Joseph P. Scarpino (Colosseum Macaroni Co.).** Plea of nolo contendere. Fine, \$400; defendant placed on probation for a period of 2 years. (F. D. C. No. 20112. Sample Nos. 29720-H, 29721-H.)

**INFORMATION FILED:** January 20, 1947, Northern District of California, against Joseph P. Scarpino, doing business as the Colosseum Macaroni Co., Sacramento, Calif.; charging the defendant with the giving of a false guaranty. The guaranty was given by the defendant to Safeway Stores, Inc., Sacramento, Calif., on or about January 23, 1941. It provided that the articles comprising each shipment or delivery made by the Colosseum Macaroni Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. During June 1945 and prior to June 12, 1945, the defendant sold and delivered a quantity of macaroni products to the Safeway Stores, Inc.; and on or about June 12, 1945, the Safeway Stores, Inc., shipped the same macaroni products from the State of California into the State of Nevada. The macaroni products so guarantied and shipped were adulterated.

**LABEL, IN PART:** "Colosseum Macaroni Products."