

**DISPOSITION:** August 22, 1950. H. Rohtstein & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit from the unfit portion and denaturing of the latter for use as animal feed or foundry use, under the supervision of the Food and Drug Administration. 13 bags were found to be contaminated and were denatured.

**16708. Adulteration of cake flour. U. S. v. 77 Bags \* \* \*. (F. D. C. No. 28978. Sample No. 48789-K.)**

**LIBEL FILED:** April 18, 1950, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 25, 1949, from Buffalo, N. Y.

**PRODUCT:** 77 100-pound bags of cake flour at Scranton, Pa.

**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 urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 9, 1950. William G. Lukens, Scranton, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into inedible paste, under the supervision of the Food and Drug Administration.

#### MACARONI AND NOODLE PRODUCTS

**16709. Adulteration and misbranding of noodles. U. S. v. Harry Tom (Quong Chow Noodle Co.). Plea of guilty. Fine of \$150, plus costs. (F. D. C. No. 29612. Sample Nos. 40474-K to 40476-K, incl.)**

**INFORMATION FILED:** September 26, 1950, District of Maryland, against Harry Tom, trading as the Quong Chow Noodle Co., Baltimore, Md.

**ALLEGED SHIPMENT:** On or about February 27 and March 6, 1950, from the State of Maryland into the District of Columbia.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent of the product, the solids of egg or egg yolk, had been in part omitted; and, Section 402 (b) (4), artificial color had been added to the product and mixed and packed with it so as to make it appear to be a noodle product which is better and of greater value.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for noodle products since it was made from a mixture composed of less than 5.5 percent by weight of the solids of egg or egg yolk, the minimum permitted, and the product contained artificial coloring, which is not permitted as an optional ingredient by the definition and standard. Further misbranding, Section 403 (g) (2), (1 shipment) the label of the product failed to bear the name of the food specified in the definition and standard, i. e., noodles.

**DISPOSITION:** November 16, 1950. A plea of guilty having been entered, the court imposed a fine of \$150, plus costs.

**16710. Alleged adulteration of macaroni and noodle products. U. S. v. Golden Grain Macaroni Co., Inc., and Paskey Dedomenico. Pleas of not guilty. Tried to the court. Verdict of acquittal. (F. D. C. No. 26349. Sample Nos. 36295-K, 37723-K, 37851-K, 37858-K, 37863-K, 37864-K, 37869-K, 37870-K, 40735-K.)**

**INDICTMENT RETURNED:** April 29, 1949, Western District of Washington, against Golden Grain Macaroni Co., Inc., Seattle, Wash., and Paskey Dedomenico, president.

**ALLEGED SHIPMENT:** On or about August 11, 16, 20, 25, and 27, 1948, from the State of Washington into the Territory of Hawaii and the States of Montana, Idaho; and Oregon.

**LABEL, IN PART:** (Portion) "Golden Grain Elbo Macaroni [or "Enriched Macaroni Products," "Plain Chinese Noodles," "100% No. 1 Semolina Elbow Macaroni," or "Quick Cooking \* \* \* Enriched Spaghetti"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 15, 1950. Plea of not guilty having been entered, the case was tried before the court, and a verdict of acquittal was entered for both defendants.

This matter was tried simultaneously with three consolidated seizure actions involving spaghetti and macaroni products which had been shipped by the defendant, in which case, judgment was entered for the Government.

**16711. Adulteration of macaroni and noodle products. U. S. v. 100 Cases (and 3 other seizure actions). (F. D. C. Nos. 25639, 25640, 25799. Sample Nos. 37850-K to 37852-K, incl., 37858-K to 37872-K, incl.)**

**LIBELS FILED:** September 16 and October 5, 1948, Territory of Hawaii and Western District of Washington.

**ALLEGED SHIPMENT AND OFFER FOR SHIPMENT:** By Golden Grain Macaroni Co., Inc. Shipment on or about August 17 and 23, 1948, from Seattle, Wash., to Honolulu, T. H.; offer for shipment at Seattle, Wash., on or about September 30, 1950.

**PRODUCT:** Macaroni and noodle products. 100 10-pound cases, 250 12-pound cases, and 24 cases, each containing 24 8-ounce packages, at Honolulu, T. H.; and 345 cartons, each containing 3 to 12 pounds, at Seattle, Wash.

The Seattle lot was offered for shipment in interstate commerce from Seattle to Honolulu.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** The shipper having appeared as claimant, the cases at Honolulu were consolidated with the case in the Western District of Washington and were tried before the court, together with a criminal prosecution charging violation of Section 301 (a) by Golden Grain Macaroni Co., Inc., and its president. On April 15, 1950, the court entered judgment for the Government in the seizure actions, and on May 8, 1950, decrees of condemnation were entered and the products were ordered destroyed. The defendants in the criminal case were acquitted.