

## MACARONI AND NOODLE PRODUCTS

17505. Action to enjoin and restrain the interstate shipment of adulterated macaroni and noodle products. U. S. v. Gioia Macaroni Co., Inc., and Antonio Gioia, Horace A. Gioia, and Madeline Gioia. Permanent injunction granted. (Inj. No. 116.)

COMPLAINT FILED: September 11, 1945, Western District of New York, against Gioia Macaroni Co., Inc., Rochester, N. Y., and Antonio Gioia, president, Horace A. Gioia, vice president and treasurer, and Madeline Gioia, secretary.

NATURE OF CHARGE: That the defendants had been and were at the time introducing and delivering for introduction into interstate commerce, at Rochester, N. Y., macaroni and noodle products; that an inspection of the plant of defendants, on February 4, 1943, showed that conditions at the plant, together with the manufacturing practices, were insanitary; that sacks of flour were stacked directly on the floor; that some of the sacks were rodent-gnawed and had mouse excreta pellets adhering to the outside thereof; that workmen dumped flour from the sacks into the bins for manufacture into the finished product, and mouse excreta pellets which adhered to the sacks were shaken into the bin; that the chutes used to convey flour from one storage bin to another were heavily insect-infested, which infestation included insect larvae and webbing which found its way into the finished product; that dead mice were on the floors of the drying cabinets; that some of the finished products were manufactured in part from re-ground macaroni scrap, which had been stored in uncovered barrels containing foreign substances, such as wood, paper, and dead weevils; and that inspections of March 2 and 31, 1943, April 18, 1944, and May 22 and June 27, 1945, showed the persistence of insanitary conditions in the plant.

The complaint alleged further that shipments of the firm's macaroni and noodle products had been examined and found to contain insect and rodent filth and other extraneous matter, and that many seizures of macaroni and noodle products shipped by the defendants in interstate commerce had been made, based on such findings; and that the defendant corporation was convicted on February 14, 1944, upon the entry of a plea of guilty to an information charging the interstate shipment of adulterated macaroni products, and was fined \$500.

The complaint alleged also, on information and belief, that the defendants would continue to ship their adulterated products in interstate commerce unless enjoined from so doing, and prayed that the defendants be enjoined from commission of the acts complained of.

DISPOSITION: October 25, 1945. The defendants having failed to appear, judgment was entered by default, perpetually enjoining the defendants from shipping, or causing to be shipped in interstate commerce, or aiding, assisting, directing, ordering, or otherwise participating in shipping in interstate commerce, any of the food products manufactured or stored, or under the control of any of the defendants at their plant at Rochester, N. Y., or elsewhere within the jurisdiction of the court, which were in violation of the Act.