

DISPOSITION: April 17, 1953. The defendants having entered pleas of nolo contendere, the court fined each defendant \$500 and sentenced the individual defendant to 6 years in jail. The jail sentence against the individual was suspended, and the court placed him on probation for 6 months.

FLOUR

20406. Adulteration of flour. U. S. v. 16 Bags * * *. (F. D. C. No. 35261. Sample No. 14343-L.)

LIBEL FILED: May 20, 1953, District of New Mexico.

ALLEGED SHIPMENT: On or about April 9, 1953, from Fort Morgan, Colo.

PRODUCT: 16 100-pound bags of flour at Gallup, N. Mex., in the possession of the Bake Rite Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 23, 1953. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

20407. Adulteration of spaghetti and macaroni. U. S. v. 24 Cases, etc. (F. D. C. No. 34697. Sample Nos. 65615-L, 65616-L.)

LIBEL FILED: March 4, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 27, 1953, by the Milwaukee Macaroni Co., from Milwaukee, Wis.

PRODUCT: 24 cases, each containing 24 12-ounce packages, of spaghetti, and 4 cases, each containing 12 1-pound packages, of macaroni, at Waukegan, Ill.

LABEL, IN PART: (Packages) "Pagliacci Spaghetti [or "Vermicelli"]" and "Pagliacci Brand Invincible Quality * * * Semoline Macaroni Products * * * Rotini."

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, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 22, 1953. Default decree of condemnation and destruction.

20408. Adulteration and misbranding of egg noodles. U. S. v. 40 Cases, etc. (F. D. C. No. 34799. Sample Nos. 54238-L, 54239-L.)

LIBEL FILED: April 6, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about February 4, 1953, by J. Coffaro & Sons, from Chicago, Ill.

PRODUCT: 40 cases of broad egg noodles and 48 cases of medium egg noodles at Monroe, Mich. Each case contained 12 12-ounce packages.

LABEL, IN PART: (Package) "Aunt Sarah's Pure Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, egg, had been in whole or in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for noodles since the total solids of the article

contained less than 5.5 percent by weight of the solids of egg or egg yolk, the minimum permitted by the definition and standard.

DISPOSITION: May 26, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use.

20409. Adulteration and misbranding of egg noodles. U. S. v. 16 Cases * * *.
(F. D. C. No. 34800. Sample No. 58850-L.)

LIBEL FILED: April 10, 1953, Northern District of Indiana.

ALLEGED SHIPMENT: On or about January 27, 1953, by J. Coffaro & Sons, from Chicago, Ill.

PRODUCT: 16 cases, each containing 12 16-ounce packages, of egg noodles at South Bend, Ind.

LABEL, IN PART: (Package) "Kluski Simon's Brand * * * Pure Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, egg, had been in whole or in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk, the minimum permitted by the definition and standard.

DISPOSITION: June 18, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

20410. Adulteration of brewers corn flakes. U. S. v. 65 Bags * * *. (F. D. C. No. 34797. Sample No. 8301-L.)

LIBEL FILED: April 2, 1953, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 2, 1953, from Geneva, N. Y.

PRODUCT: 65 80-pound bags of brewers corn flakes, at Altoona, Pa., in the possession of the Altoona Brewing Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 6, 1953. Default decree of condemnation. The court ordered that the product be delivered to a county institution, for use as animal feed.

20411. Adulteration of unpopped popcorn. U. S. v. 50 Cases, etc. (F. D. C. No. 34632. Sample Nos. 54861-L to 54864-L, incl.)

LIBEL FILED: February 2, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 28, 1952, from San Jose, Calif. This was a return shipment.

PRODUCT: 88 cases, each containing 24 10-ounce packages, and 73 cases, each containing 24 1-pound packages, of unpopped popcorn at Dixon, Ill.

LABEL, IN PART: (Package) "Red & White Brand Large Yellow Pop Corn" and "Red & White Brand White Hullless Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.