

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1817.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF NOODLES.

On May 8, 1912, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pfaffman Egg Noodle Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 27, 1911, from the State of Ohio into the State of Pennsylvania of a quantity of noodles which were misbranded. The product was labeled: "Half Pound Extra German Noodles Broad. Extra German Noodles. Guaranteed under the Food and Drug Act June 30, 1906, Serial No. 8410. Breite Nudeln wird man als einen ausgezeichneten * * * We guarantee our Extra German Home Made Noodles to be the highest standard of excellence especially prepared for family use. Packed for Thomas C. Jenkins. Checkered front, Pittsburgh, Pa."

Examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: Net weight of four packages in avoirdupois pounds: No. 1, 0.42; No. 2, 0.435; No. 3, 0.42; No. 4, 0.43; average shortage, 14.75 per cent; sample evidently uncolored. Misbranding was alleged in the information for the reason that the label and brand set forth above were false and misleading in that they would deceive and mislead the purchaser of the product to believe that it was of foreign manufacture, to wit, manufactured in Germany, whereas, in truth and in fact, it was manufactured in the United States. Misbranding was alleged for the further reason that the label and brand was false and misleading in that it would deceive and mislead the purchaser of the product to believe that the weight of the same was one-half pound avoirdupois, whereas in fact the weight of the product was materially less than one-half pound avoirdupois in weight.

On May 31, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 15, 1912.*

