

**3150. Adulteration and misbranding of egg noodles. U. S. \* \* \* v. 60  
Cases \* \* \* of Egg Noodles. Consent decree of condemnation  
and forfeiture. (F. & D. No. 12524. I. S. No. 3456-r. S. No. W-587.)**

On March 23, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on April 7, 1920, an amended libel, for the seizure and condemnation of 60 cases of egg noodles, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the F. A. Martoccio Macaroni Co., Minneapolis, Minn., on or about December 29, 1919, and transported from the State of Minnesota into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Quality Brand Egg Noodles made from semolina and eggs. F. A. Martoccio Macaroni Co., Minneapolis, Minn."

Adulteration of the article was alleged in the libel, as amended, for the reason that a product deficient in eggs had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for egg noodles, which the article purported to be.

Misbranding was alleged for the reason that the statement "Egg Noodles" was false and misleading and deceived and misled the purchaser when applied to a product deficient in eggs; and for the further reason that the article was an imitation of, and sold under the distinctive name of, another article.

On July 19, 1920, the F. A. Martoccio Macaroni Co., Minneapolis, Minn., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be distributed to various charitable institutions, said claimant assenting thereto.

E. D. BALL, *Acting Secretary of Agriculture.*