

23896. **Misbranding of spaghetti and macaroni. U. S. v. 34 Cartons of Spaghetti, et al. Products released under bond to be relabeled.** (F. & D. nos. 32763, 32764, 32818, 32819, 32820, 32832, 32856. Sample nos. 73405-A to 73409-A incl., 73413-A to 73416-A incl., 73424-A to 73429-A incl., 73443-A, 73444-A, 73520-A, 73530-A.)

Sample packages of spaghetti and macaroni taken from the various shipments involved in these cases were found to be short weight.

On June 7, June 8, June 12, and June 15, 1934, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 874 cartons and 50 sacks of spaghetti and macaroni in various lots at Butte, Great Falls, Missoula, and Kalispell, Mont., respectively, alleging that the articles had been shipped in interstate commerce between the dates of June 22, 1933, and May 20, 1934, by the U. S. Macaroni Manufacturing Co., from Spokane, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. Portions of the articles were labeled in part: (Carton) "Spaghetti [or "Macaroni"] 5 lbs. [or "7 lbs." or "4 lbs."] net when packed Rose Brand U. S. Macaroni Mfg. Co., Spokane, Wash." The remainder was in sacks labeled "Cut Macaroni [or "Spaghetti"] 50 lbs. net."

The articles were alleged to be misbranded in that the statements "5 lbs. net", "7 lbs. net", and "4 lbs. net", borne on the cartons and the statement "50 lbs. net", borne on the sacks, were false and misleading and tended to deceive and mislead the purchaser since the cartons and sacks contained less than the amount declared. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 3, 1934, the owner of the products having appeared as claimants and the cases having been consolidated into one cause of action, judgment was entered ordering the products delivered to the claimants upon the execution of a bond in the sum of \$500, conditioned that they be relabeled and that upon failure to file such bond they be forfeited and sold.

M. L. WILSON, *Acting Secretary of Agriculture.*

23897. **Adulteration of tomato catsup. U. S. v. 20 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. & D. no. 32796. Sample no. 71404-A.)

This case involved an interstate shipment of tomato catsup, samples of which were found to contain excessive mold.

On July 11, 1934, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of tomato catsup at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about April 23, 1934, by the J. S. Brown Mercantile Co., from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jonquil Brand Tomato Catsup."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On August 25, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23898. **Misbranding of stock feed. U. S. v. A. Overholt & Co., Inc. Plea of guilty. Fine, \$75 and costs.** (F. & D. no. 32885. Sample nos. 14136-A, 14141-A, 14142-A.)

This case was based on interstate shipments of stock feed that contained less protein and more fiber than declared on the label.

On October 25, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against A. Overholt & Co., Inc., Broad Ford, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 13, 22, and 28, 1933, from the State of Pennsylvania into the State of Maryland, of quantities of stock feed which was misbranded. The article was labeled in part: "State Analysis: Protein 18.00 \* \* \* Fibre 16.58 Overco Stock Feed Manufactured and Packed by A. Overholt & Co. Broad Ford, Pa."