

number of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On May 27, 1935, the G. L. Webster Co., Inc., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

24940. Adulteration and misbranding of macaroni. U. S. v. 21 Cases of Macaroni. Default decree entered. Product delivered to a charitable organization. (F. & D. no. 35481. Sample no. 30615-B.)

This case involved a shipment of macaroni that contained soya flour and turmeric, a yellow coloring matter.

On May 9, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of macaroni at Passaic, N. J., alleging that the article had been shipped in interstate commerce on or about March 7, 1935, by the Cardinale Macaroni Manufacturing Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Made of Pure Semolina Cardinale Brand Cardinale Macaroni * * * Cardinale Macaroni Manufacturing Co. Inc."

The article was alleged to be adulterated in that a product containing soya flour and turmeric had been substituted for semolina macaroni, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Macaroni" and "Made of Pure Semolina", were false and misleading and tended to deceive and mislead the purchaser, when applied to a mixture of semolina macaroni, soya flour, and added coloring matter, turmeric.

On June 15, 1935, no claimant having appeared, judgment was entered ordering that the product be delivered to a charitable organization.

W. R. GREGG, *Acting Secretary of Agriculture.*

24941. Adulteration of tomato paste. U. S. v. 58 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35482. Sample no. 26706-B.)

This case involved a shipment of tomato paste that contained worm and insect debris.

On May 10, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cases of tomato paste at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 23, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "De-Luxe Brand Tomato Paste * * * Greco Canning Co. Inc., San Jose, Calif."

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

On September 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24942. Adulteration and misbranding of tomato catsup. U. S. v. 33 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35483. Sample no. 33105-B.)

This case involved an interstate shipment of tomato catsup that contained worm and insect debris and rodent hairs, and was also short volume.

On May 10, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases, each containing 4 jugs of catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about February 16 and February 19, 1935, by the Smith Canning Co., from Clearfield, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Brimful Brand Fancy Catsup Contents One Gallon H A Marr Grocery Co Distributors Denver-Enid-Omaha-Amarillo."

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

Misbranding was alleged for the reason that the statement "Contents one gallon" was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24943. Adulteration of tomato puree. U. S. v. 30 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35488. Sample no. 35757-B.)

This case involved a shipment of tomato puree that contained worm debris.

On May 18, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of tomato puree at Denver, Colo., consigned by the Weber Packing Corporation, Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about April 12, 1935, from the State of Utah into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fawn Brand Puree [or "Wright Quality Puree"] * * * Packed by Weber Packing Corporation Ogden, Utah."

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

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24944. Adulteration and misbranding of egg noodles. U. S. v. 16½ Cases and 52 Cases of Egg Noodles. Default decrees of condemnation and destruction. (F. & D. nos. 35489, 35498. Sample nos. 30124-B, 30125-B.)

These cases involved egg noodles that contained soybean meal and turmeric, a yellow coloring matter.

On May 14 and 15, 1935, the United States attorneys for the Eastern District of New York and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 16½ cases of egg noodles at Brooklyn, N. Y., and 52 cases of egg noodles at North Bergen, N. J., alleging that the article had been shipped in interstate commerce on or about March 28, 1935, by the Kentucky Macaroni Co., Inc., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Package) "Ken-Mac Pure Egg Noodles Kentucky Macaroni Company Louisville, Kentucky." The remainder was labeled in part: "Wide [or "Med"] Egg Noodle * * * Zion Gro. Stores Corp. Brooklyn, N. Y."

The article was alleged to be adulterated in that a product containing soybean meal and an added color, turmeric, had been substituted for egg noodles, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to a portion of the product for the reason that the statement "Pure Egg Noodles", borne on the case and package, was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of egg noodles, soybean flour, and an added coloring matter, turmeric.

On July 13 and July 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24945. Adulteration and misbranding of tomato puree. U. S. v. 19 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. no. 35492. Sample no. 35755-B.)

This case involved an interstate shipment of tomato puree which was adulterated because of the presence of worm debris. The article was also misbranded, since it was labeled as extra heavy tomato puree; whereas it contained approximately the minimum amount of tomato solids.