

conspicuous declaration of the quantity of the contents, and one lot was labeled to indicate that it was made by a firm other than the real manufacturer.

On or about June 11, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 352 packages of egg noodles at Manchester, Conn., alleging that the article had been shipped in interstate commerce on or about April 3, 1935, by Schneider's Home Made Egg Noodle Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Dutch Maid Egg Noodle Products \* \* \* Schneiders Home Made Egg Noodle Co. Brooklyn, New York." The remainder was labeled in part: "Dutch Maid Pure Egg Noodles Richardson Food Packing Company, Inc. [or "Schneider's Home Made Egg Noodle Co., Inc.,"] Brooklyn, N. Y. \* \* \* Made [or "Manufactured"] in accordance with all U. S. Gov't Requirements."

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; and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Egg Noodle Products" and "Pure Egg Noodles", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of egg noodles, soybean flour, and added coloring matter, turmeric. Misbranding was alleged with respect to two lots of the product for the further reason that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the label bore the original statement "Net Weight 4 Oz." in which the figure "4" had not been obliterated, the figures "12" and "6" having been written on the label with pen in such a way that the original printed figure "4" was just as prominent, if not more so, than the correct net weight figures which had been inserted with pen. Misbranding was alleged with respect to the remainder of the product for the further reason that the statement on the label, "Made [or "Manufactured"] In Accordance with All U. S. Gov't Requirements", was false and misleading, and tended to deceive and mislead the purchaser, and in that the statement on the label of some of the packages, "Richardson Food Packing Company, Inc. Brooklyn, N. Y.", was misleading and tended to deceive and mislead the purchaser, since it implied that that company was the manufacturer; whereas Schneider's Home Made Egg Noodle Co. was the manufacturer.

On September 12, 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.*

**24968. Adulteration of cream. U. S. v. Thirteen 5-Gallon Cans, et al., of Cream. Consent decrees of destruction.** (F. & D. nos. 35643, 35645, 35646, 35647. Sample nos. 23698-B, 23699-B, 28626-B, 28627-B.)

These cases involved various shipments of cream which was filthy or decomposed or both filthy and decomposed.

On May 21, May 23, and May 24, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of forty-one 5-gallon cans and forty 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in various shipments on or about May 18, May 19, May 21, and May 22, 1935, by Blaine Simon, Junior, W. Va.; W. A. Morgan, Porters Falls, W. Va.; Farmers Dairy, Cumberland, Md.; Lyle Leichter, Cameron, W. Va.; P. T. Greene, Mannington, W. Va.; I. B. Mitchell, Moatsville, W. Va.; James Hammon, Rinehart, W. Va.; R. K. Wright, Falling Waters, W. Va.; J. M. Mallow, Petersburg, W. Va.; C. J. Roy, Clarksburg, W. Va.; J. Ferguson Barnsley, Rockville, Md.; A. L. Vincent, Shinnston, W. Va.; C. E. Murfin, Hancock, W. Va.; J. C. Dean, Ellenboro, W. Va.; C. N. Robinson, Weston, W. Va.; F. D. Sayers, Bridgeport, W. Va.; Perry Powers, Core, W. Va.; J. L. Boor, Petersburg, W. Va.; M. K. Bowers, Charlestown, W. Va.; G. W. Rigenbaugh, N. Martinsville, W. Va.; Freeland & Fletcher, Middlebourne, W. Va.; Erastus Fulks, Villa Nova, W. Va.; C. C. Hickerson, Davis, W. Va.; Della Ramsey, Clem, W. Va.; M. Starcher, Jane Lew, W. Va.; W. J. Caulter, Brunswick, Md.; Zipf Hardware Co., St. Marys, W. Va.; L. W. Summers, Fairmont, W. Va.; Roy De Garmo, Wellsburg, W. Va.; Mendenhall & Son, Newport, Ohio; Roy C. Paul, Frederick, Md.; D. B. Parish,

Cumberland, Md.; G. W. Abbott, Rohersville, Md.; W. B. Gregg, Grafton, W. Va.; Walter Johnston, Strasburg, Va.; Upshur Dairy Prod., Buckhannon, W. Va.; Wm. D. Barrick, Walkersville, Md.; M. K. Bowers, Keaneysville, W. Va.; M. J. Gartner, Gaithersburg, Md.; Wm. J. Griffith, Triadelphia, W. Va.; Wm. H. Wilson, Laurel, Md.; Webster Hess, Hancock, W. Va.; Howard Smith, Fairmont, W. Va.; Frank Ables, West Union, W. Va.; Ottis Snyder, Ellenboro, W. Va.; F. A. Moore, Belington, W. Va.; Guy Nicholson, Salem, W. Va.; R. C. Heffner, Pickens, W. Va.; A. E. Bowman, Tunnelton, W. Va.; O. McIntire, Morgansville, W. Va.; A. L. Ware, Holly, W. Va.; M. H. Coleman, Leesburg, Va.; G. S. Risinger, Cherry Run, W. Va.; Terra Alta Bottling Works, Terra Alta, W. Va.; L. H. Cutlip, Gassaway, W. Va.; B. M. Grim, Romney, W. Va.; Elizabeth Phillips, Glover Gap, W. Va.; Sherman Tuttle, Blacksville, W. Va.; J. D. Thorne, Blacksville, W. Va.; T. B. Richards, Metz, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 21, May 23, and May 24, 1935, the Fairmont Creamery Co., Pittsburgh, Pa., the consignee, having consented to the destruction of the product, judgments were entered ordering its immediate destruction.

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

**24969. Adulteration of cream. U. S. v. Five 5-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 35644. Sample no. 23700-B.)**

This case involved shipments of cream which was filthy or decomposed or both filthy and decomposed.

On May 23, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five 5-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 20, 1935, in various shipments by: Boyd Swiger, Salem, W. Va.; A. L. Stalnaker, Jane Lew, W. Va.; Mrs. Virginia Layman, Grafton, W. Va.; J. A. Mauller, Bridgeport, W. Va.; and Beryl Sigley, Tunnelton, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 23, 1935, the consignee of the product, the Blue Valley Creamery Co., having requested its destruction, judgment was entered ordering that it be destroyed immediately.

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

**24970. Adulteration of butter. U. S. v. 25 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 35650. Sample no. 21718-B.)**

This case involved a shipment of butter samples of which were found to contain mold.

On May 29, 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 25 tubs of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 18, 1935, by Swift & Co., from Muskogee, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 4, 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.*

**24971. Adulteration of tomato paste. U. S. v. 18 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35651. Sample no. 24573-B.)**

This case involved a shipment of tomato paste that contained excessive mold.

On June 17, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of tomato paste at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about December 11, 1934, by the Gervas Canning Co., Inc., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tasty Brand Tomato Paste \* \* \* Packed by Stanley Packing Company, Inc. Forestville, N. Y."