

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

On April 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28934. Adulteration and misbranding of macaroni products. U. S. v. 99 Cases of Spaghetti (and 7 similar seizure actions). Default decrees of condemnation and destruction.** (F. & D. Nos. 41862 to 41865, incl., 41924, 41925, 42027, 42028. Sample Nos. 14863-D to 14867-D, incl., 14869-D, 14870-D.)

Certain lots of these products were labeled to indicate that they were made entirely of semolina, whereas they consisted in part of flour. A portion of the same lots and the remaining lots contained artificial color. In addition, one lot was deficient in egg solids.

On March 10, 11, and 23, 1938, the United States attorney for the District of Idaho, acting upon reports by the Secretary of Agriculture, filed in the district court eight libels praying seizure and condemnation of 273 cases and 13 boxes of macaroni products at Wallace, Idaho, alleging that the articles had been shipped in interstate commerce on various dates between July 6, 1936, and January 25, 1938, from Seattle, Wash., by Favro Macaroni Manufacturing Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Handy Pack Superior Quality"; "Favro Finest Quality \* \* \* Favro Macaroni Mfg. Co., Seattle"; "Cragnano Style \* \* \* Mfg. by Favro Macaroni Co., Seattle, Portland."

Certain lots of the articles were alleged to be adulterated in that flour had been substituted in whole or in part for semolina, which the articles purported to be. A portion of the same lots and the remaining lots were alleged to be adulterated in that they were colored in a manner whereby inferiority was concealed. One lot was alleged to be adulterated further in that an artificially colored article deficient in eggs had been substituted in whole or in part for egg noodles, which the article purported to be.

Misbranding was alleged in that the following statements appearing on the labels of the various lots were false and misleading and tended to deceive and mislead the purchaser: The statement "Pure Egg Noodles" when applied to an article that was artificially colored and was deficient in egg solids; the statement "Egg Noodles" when applied to an article that was artificially colored; the statements "Superior Quality Hard Wheat Flour Elbow Spaghetti [or other macaroni product]," when applied to articles containing artificial coal-tar color; the statements, "100% A-1 Durum Semolina Coil Ribbons [or other macaroni product]," when applied to articles that were mixtures of semolina and flour; the statements, "100% A-1 Semolina Coil Vermicelli [or other macaroni product]," and "Macaroni Natural Color 100% A-1 Semolina \* \* \* 100% A-1 Semolina Perciatelli [or "Mezzani"]," when applied to articles that contained artificial color and were mixtures of semolina and flour.

On April 4 and May 23, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

**28935. Adulteration and misbranding of honey; misbranding of preserves. U. S. v. George W. Bagwell. Plea of nolo contendere. Fine, \$150.** (F. & D. No. 40754. Sample Nos. 15747-C to 15750-C, incl., 43601-C, 43615-C, 43616-C.)

Both products were short weight, and the honey was adulterated with glucose.

On January 29, 1938, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George W. Bagwell, trading at Chattanooga, Tenn., alleging shipment by the said defendant in violation of the Food and Drugs Act as amended, on various dates between May 13 and August 7, 1937, from the State of Tennessee into the State of Georgia of quantities of honey which was adulterated and misbranded, and preserves which were misbranded. The articles were labeled in part: "G-W Brand Preserves [or "Honey"] \* \* \* Packed by G. W. Bagwell, Chattanooga, Tenn."

The honey was alleged to be adulterated in that a product composed in part of glucose had been substituted for honey, which it purported to be.

Both products were alleged to be misbranded in that the statements, "Honey" and "Net Wt. 4½ Lbs." or "Net Wt. 2 lbs." on the labels of the honey, and "Net Wt. 16 Ozs." on the label of the preserves, were false and misleading and were

borne on the labels so as to deceive and mislead the purchaser since the product labeled "Honey" did not consist wholly of honey but did consist in part of glucose, and the cans contained less than 4½ pounds or 2 pounds; and the jars containing the preserves contained less than 16 ounces thereof; and in 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 packages. The honey was alleged to be misbranded further in that it was composed in part of glucose, prepared in imitation of honey, and was offered for sale and sold under the distinctive name of another article, honey.

On April 26, 1938, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$150.

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

**28936. Adulteration of apples. U. S. v. 37 Bushels of Apples (and 3 similar seizure actions). Product ordered released under bond for cleaning.** (F. & D. Nos. 41791 to 41794, incl. Sample Nos. 47318-C, 47386-C, 47388-C, 47389-C.)

This product was contaminated with arsenic and lead.

On or about December 7, 1937, the United States attorney for the Southern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 229 bushels of apples at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about September 14 and 16, and October 4, 1937, from Proctorville, Ohio, by H. E. Ellis & Turley, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it dangerous to health.

On March 5, 1938, the cases having been consolidated and H. E. Ellis & Turley, claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, the product was ordered released under bond conditioned that the deleterious substances be removed by washing.

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

**28937. Adulteration of frozen eggs. U. S. v. Utah Poultry Producers Cooperative Association. Plea of guilty. Fine, \$26.** (F. & D. No. 39471. Sample Nos. 3214-C, 3215-C, 3216-C.)

This product was in whole or in part decomposed.

On July 31, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Utah Poultry Producers Cooperative Association, a corporation, Salt Lake City, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act on or about April 25 and June 22, 1936, from the State of Utah into the State of California of quantities of frozen eggs which were adulterated. The article was labeled: "Milkwhite Egg Meats \* \* \* Utah Poultry Producers Cooperative Ass'n."

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

On April 21, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$26.

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

**28938. Adulteration of rabbits. U. S. v. 18 Sacks and 17 Sacks of Rabbits. Consent decrees of condemnation and destruction.** (F. & D. Nos. 41526, 41528. Sample Nos. 3401-D, 3402-D.)

Examination of these rabbits showed that they were in whole or in part decomposed, moldy, or diseased.

On January 24 and 26, 1938, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 sacks of rabbits at Denver, Colo., consigned by the Robertson Produce Co., alleging that the article had been shipped in interstate commerce on or about January 17 and 20, 1938, from Portales, N. Mex., 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 and decomposed animal substance.