

MACARONI PRODUCTS

522. Adulteration of egg noodles. U. S. v. 45 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 1145. Sample Nos. 58177-D to 58181-D, incl.)

This product was in interstate commerce at the time of examination and was found to be insect-infested at that time.

On December 18, 1939, the United States attorney for the District of Arizona filed a libel against 45 cases of egg noodles at Phoenix, Ariz., alleging that the article had been shipped on or about January 24 and February 3, 1939, by San Diego Macaroni Manufacturing Co. from San Diego, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Supreme Quality Chief Brand Pure Egg Noodles."

On February 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

523. Misbranding of macaroni. U. S. v. 22 Cases, 31 Cases, and 17 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 1119. Sample Nos. 73269-D, 73270-D, 73271-D.)

Examination showed that the packages of this product were slack-filled, those in one lot being filled to about one-half and those in the remaining lots being filled to about three-fourths of their capacity.

On December 5, 1939, the United States attorney for the District of Nevada filed a libel and on February 2, 1940, an amended libel against 22 cases of salad macaroni, 31 cases of semolina macaroni, and 17 cases of elbow macaroni at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about June 16, July 28, September 12, and October 6, 1939, by the Fontana Food Products Co. from San Francisco, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement, "Packed and Guaranteed by the Fontana Food Products Company to conform with all pure food laws," was false and misleading, since the containers were deceptive and in violation of the law. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On February 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

524. Misbranding of spaghetti. U. S. v. 140 Cases of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 1825. Sample No. 1317-E.)

This product occupied on an average less than half the volume of the package.

On April 17, 1940, the United States attorney for the District of Maryland filed a libel against 140 cases of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 23 and March 11, 1940, by S. Viviano Macaroni Manufacturing Co. from Carnegie, Pa.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Packages) "Dixie Brand Spaghetti * * * Distributed By Maryland Grocery Company Baltimore, Md."

On May 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FEED

525. Adulteration and misbranding of mixed rice bran. U. S. v. 102 Unlabeled Bags of "Mixed Rice Bran." Default decree of condemnation and destruction. (F. D. C. No. 1785. Sample No. 801-E.)

Examination showed that this product consisted of approximately 50 percent of rice hulls. According to the generally accepted standard, rice bran consists of the bran layer of the rice, with only such quantity of hull fragments as is unavoidable in the regular milling. There is no general recognition of a product called "mixed rice bran."

On April 10, 1940, the United States attorney for the Northern District of Georgia filed a libel against 102 unlabeled bags, each containing 100 pounds of an article invoiced as "mixed rice bran," at Canton, Ga., alleging that it had been shipped in interstate commerce on or about February 29, 1940, by the Jonesboro Rice Mills Co. from Jonesboro, Ark.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance, rice hulls, had been substituted wholly or in part therefor and had been mixed or packed there-

with so as to reduce its quality or strength or make it appear better or of greater value than it was.

It was alleged to be misbranded in that it was in package form but did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, nor an accurate statement of the quantity of contents. It was alleged to be misbranded further in that it was fabricated from two or more ingredients, and the common or usual name of each of such ingredients was not set forth in the label.

On May 18, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

DAIRY PRODUCTS

BUTTER

526. Adulteration of butter. U. S. v. Nels M. Lindgren (Monticello Dairy). Plea of guilty. Fine, \$30. (F. D. C. No. 926. Sample Nos. 60259-D, 67727-D, 67733-D.)

This product contained less than 80 percent of milk fat.

On March 5, 1940, the United States attorney for the District of Minnesota filed in the district court an information against Nels M. Lindgren, trading as Monticello Dairy at Monticello, Minn., alleging shipment by said defendant on or about August 12 and 16, 1939, from the State of Minnesota into the State of New York, of quantities of butter which was adulterated.

Adulteration was alleged in that a valuable constituent, milk fat, had been in part omitted from the article and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 5, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$30.

527. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$10. (F. D. C. No. 923. Sample No. 44499-D.)

This product contained less than 80 percent of milk fat.

On April 2, 1940, the United States attorney for the District of Minnesota filed an information against Armour & Co., a corporation trading as Armour Creameries at St. Paul, Minn., alleging shipment by said company on or about August 9, 1939, from the State of Minnesota into the State of New Jersey, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On April 2, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

Nos. 528 to 564, inclusive, of this publication report the seizure and disposition of butter which contained less than 80 percent of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

528. Adulteration of butter. U. S. v. 34 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. D. C. No. 1502. Sample No. 89409-D.)

On February 9, 1940, the United States attorney for the District of Massachusetts filed a libel against 34 tubs, each containing 63 pounds, of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 1, 1940, by Armour & Co. from Chicago, Ill.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On March 15, 1940, Peter Fox Sons, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released to claimant for reworking so that it contain not less than 80 percent by weight of milk fat.

529. Adulteration and misbranding of butter. U. S. v. 4 Cubes and 53 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 2025, 2038. Sample No. 14714-E.)

On May 18 and 20, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 57 cubes of butter at Philadelphia, Pa.,