

deficient in egg had been substituted for egg noodles and egg alimentary paste; in that inferiority had been concealed through the addition of artificial color; and in that artificial color had been added thereto so as to make them appear better or of greater value than they were.

The egg noodles were alleged to be misbranded for the reason that the statement "Pure Egg Noodles" was false and misleading as applied to an article that was deficient in egg and contained artificial color; and for the further reason that they were offered for sale under the name of another food, "Egg Noodles."

On May 29, 1940, the claimant having withdrawn its appearance and having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

1044. Adulteration of egg noodles. U. S. v. 28 and 35 Cases of Egg Noodles. Default decrees of condemnation and destruction. (F. D. C. Nos. 2260, 2261. Sample Nos. 16259-E, 16260-E.)

This product contained an artificial color, turmeric.

On or about July 8, 1940, the United States attorney for the Western District of Missouri filed libels against 63 cases of egg noodles at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about May 9, 1940, by the Italian Macaroni Co. from Pittsburg, Kans.; and charging that it was adulterated. It was labeled in part: (Bags) "San Paolo Brand Egg Noodles * * * Made of Fancy Patent Semolina, Fresh Eggs."

The article was alleged to be adulterated in that a substance containing artificial color, turmeric, had been substituted wholly or in part for egg noodles; and in that turmeric, an artificial color, had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

On October 24, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1045. Misbranding of Chinese noodles. U. S. v. 21 Cases of Chinese Noodles. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 1940. Sample No. 12045-E.)

Examination showed that these packages were filled to only one-third of their capacity.

On May 9, 1940, the United States attorney for the District of Nevada filed a libel against 21 cases of Chinese noodles at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about March 30, 1940, by the Majestic Paste Co. from San Francisco, Calif.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: (Packages) "Chinese Noodles * * * Majestic Brand."

On June 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1046. Misbranding of noodle soup mixture. U. S. v. 12 Cases containing 48 Packages of Noodle Soup Mixture. Default decree of condemnation and destruction. (F. D. C. No. 2219. Sample No. 9432-E.)

This product was represented to be a mixture from which home-style noodle soup could be made. It contained, however, a vegetable protein derivative (monosodium glutamate), an artificial flavor, which was not declared as such and which is not employed in making home-made noodle soup. Moreover, its containers were larger than necessary, the contents occupying not more than 77 percent of their capacity.

On June 17, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 12 cases of noodle soup mixture at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 27, 1940, by the I. J. Grass Noodle Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: (Package) "Mrs. Grass' Home Style Noodle Soup Mixture contains * * * Veg. Protein Derivative."

The article was alleged to be misbranded in that the statement on the labeling, "Home Style," was false and misleading as applied to an article containing monosodium glutamate, an artificial flavor not employed in home-made noodle soup; and in that it contained artificial flavoring and did not bear labeling

stating that fact. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1047. Misbranding of noodle soup mixture. U. S. v. 75 Cases of Noodle Soup Mixture. Consent decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 1972. Sample No. 6478-E.)

These packages contained noodles loosely placed in the box and a small bag of vegetable "concentrate" placed on top of the noodles. The contents occupied less than 70 percent of the volume of the package and the statement of the quantity of contents was inconspicuously placed on the back panel.

On May 15, 1940, the United States attorney for the District of Colorado filed a libel against 75 cases of noodle soup mixture at Denver, Colo., consigned by Ravarino-Freschi, Inc., alleging that the article had been shipped in interstate commerce on or about October 26, 1939, from St. Louis, Mo.; and charging that it was misbranded. It was labeled in part "Zoop."

The article was alleged to be misbranded in that its containers were so made, formed, and filled as to be misleading. It was alleged to be misbranded further in that the statement of the quantity of the contents required by law to appear on the label or labeling, was not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices, in the labeling as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On June 13, 1940, Ravarino-Freschi, Inc., having accepted service and authorized the taking of final decree, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1048. Misbranding of noodle soup mixture. U. S. v. 200 Cases of "4 Minute Noodle Soup Mix." Default decree of condemnation and destruction. (F. D. C. No. 1958. Sample No. 13651-E.)

This product was packed in a cardboard carton which contained a yellow wax paper envelope partially filled with noodle soup mix. The contents of the envelope, when emptied into the carton, occupied less than one-fourth of its capacity.

On May 11, 1940, the United States attorney for the Western District of Washington filed a libel against 200 cases of noodle soup mix at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, by Tenderoni, Inc., from Joliet, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On August 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

Nos. 1049 to 1061, inclusive, report the institution of criminal proceedings and the judgment entered, in actions based on shipments of butter which contained less than 80 percent by weight 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.)

1049. Adulteration of butter. U. S. v. George I. Southard (Albin Creamery). Plea of guilty. Fine, \$20. (F. D. C. No. 2870. Sample No. 14726-E.)

On January 21, 1941, the United States attorney for the District of Minnesota filed an information against George I. Southard, trading as the Albin Creamery at Sleepy Eye, Minn., alleging shipment on or about May 24, 1940, from the State of Minnesota into the State of Pennsylvania of a quantity of butter that was adulterated. It was labeled in part: (Boxes) "Frank Hellerick Co., Inc. * * * Phila., Pa."

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

On January 21, 1941, a plea of guilty was entered by the defendant and a fine of \$20 was imposed.