

The egg noodles were alleged to be misbranded further in that the statement in the labeling, "Made in strict accordance with all U. S. Pure Food Laws," was false and misleading since it was incorrect. They were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label were 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.

The noodle soup mix was alleged to be misbranded further in that it contained an artificial flavor, and its label did not state that fact.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be destroyed and the products distributed to charitable institutions.

#### MISCELLANEOUS

**1232. Adulteration and misbranding of cookies. U. S. v. 537 Packages and 45 Packages of Cookies. Default decrees of condemnation and destruction.** (F. D. C. No. 3188. Sample No. 24285-E.)

This product contained insect fragments and was not labeled as required by law. On October 14, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 582 packages of cookies at Philadelphia, Pa. (consigned by the Hillman-Hyle Cookie Co.), alleging that the article had been shipped in interstate commerce on or about September 18 and 25, 1940, from Baltimore, Md.; and charging that it was adulterated and misbranded. It was labeled in part: "Freihofer's Cookies."

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

It was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On November 2, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1233. Misbranding of Cheese Korn Kurls. U. S. v. 14 Cases of Cheese Korn Kurls, Default decree of condemnation and destruction.** (F. D. C. No. 2304. Sample No. 36001-E.)

This product was contained in a wax paper bag so loosely packed in a cardboard carton that there was excessive space between the bag and carton in all directions. Without the wax paper bag the product would have occupied less than 50 percent of the space in the carton. Furthermore, the statement of ingredients was inconspicuously placed on the side panel.

On or about July 3, 1940, the United States attorney for the District of Rhode Island filed a libel against 14 cases of Cheese Korn Kurls, alleging that the article had been shipped in interstate commerce on or about January 5, 1940, by Lillie & Rasbach, Inc., from Ilion, N. Y.; and charging that it was misbranded. It was labeled in part: (Carton, main panels) "The New Cheese Snack Korn Kurls."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of ingredients required by law to appear on the label 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 August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1234. Adulteration of popcorn. U. S. v. 89 Bags of Popcorn. Consent decree of condemnation. Product released under bond to be reconditioned.** (F. D. C. No. 1810. Sample No. 13630-E.)

This product was in interstate commerce at the time of examination at which time it was found to contain insect-damaged kernels and insect excreta. The outside of the bags also contained cocoons and live larvae.

On April 12, 1940, the United States attorney for the Western Division of Washington filed a libel against 89 bags of popcorn at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 30, 1939, by Pop Corn Growers & Distributors, Inc., from Wall Lake, Iowa; and charging that it was adulterated. The article was labeled in part: "Butter Flake Brand \* \* \* Pop Corn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On August 19, 1940, Pop Corn Growers & Distributors, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by the removal of all unfit material and filth.

**1235. Adulteration of rice. U. S. v. 159 Bags of Rice. Default decree of condemnation and destruction.** (F. D. C. No. 2726. Sample No. 9975-E.)

This product was moldy because of damage by water in transit.

On August 31, 1940, the United States attorney for the Eastern District of Louisiana filed a libel (amended on September 27, 1940) against 159 bags of rice at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by the Pan American Steamship Co. from Tampa, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Supreme Brand Extra Fancy River Head Rice."

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

**1236. Misbranding of chicken tamales. U. S. v. 7 Cases and 13 Cases of Chicken Tamales. Default decrees of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. Nos. 1953, 1954. Sample Nos. 13160-E, 13165-E.)

This product was short weight.

On May 11, 1940, the United States attorney for the Eastern District of Washington filed libels against 20 cases of chicken tamales at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, and March 6, 1940, by Stidd's, Inc., from Portland, Oreg.; and charging that it was misbranded in that the statement, "Net contents 10 oz. avoir.," was false and misleading since it was incorrect, and in that it was in package form and did not bear an accurate statement of the quantity of the contents. It was labeled in part: "Stidd's Chicken in the Husk Boneless Tamales, Net contents 10 oz. avoir."

On June 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions after removal of the labels.

## DAIRY PRODUCTS

### BUTTER

**1237. Adulteration of butter. U. S. v. Harry G. Kurrasch (Clinton Creamery). Plea of guilty. Fine, \$60.** (F. D. C. No. 2849. Sample No. 33315-E.)

On November 22, 1940, the United States attorney for the District of Minnesota filed an information against Harry G. Kurrasch, trading as Clinton Creamery Co., at Clinton, Minn., alleging shipment on or about June 4, 1940, from the State of Minnesota into the State of New York, of a quantity of butter that was adulterated. The article was labeled in part: "Butter Distributed By J. R. Kramer, Inc. New York."

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 which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 22, 1940, a plea of guilty was entered by the defendant and the court imposed a fine of \$60.

**1238. Adulteration and misbranding of butter. U. S. v. Producers Dairy Marketing Association, Inc. Plea of guilty. Fine, \$25.** (F. D. C. No. 2862. Samples Nos. 27248-E, 27249-E.)

On November 7, 1940, the United States attorney for the Southern District of Indiana filed an information against the Producers Dairy Marketing Association, Inc., Orleans, Ind., alleging shipment on or about June 18, 1940, from the State of Indiana into the State of Kentucky, of quantities of butter that was adulterated and a part of which was misbranded. The article was labeled in part: "One Pound Net Good-Ness Brand Creamery Butter"; or "Mellwood Dairy Incorporated \* \* \* Butter."

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