

merce on or about July 22 and August 9, 1940, by John W. Eshelman & Sons from Circleville, Ohio; and charging that it was adulterated in that it contained rodent excreta and rodent hairs and was otherwise unfit for food. The article was labeled in part: "Eshelman's Red Rose White Corn Meal."

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution to be denatured and used as stock and hog feed.

#### MACARONI PRODUCTS

**1407. Adulteration of egg noodles. U. S. v. 15 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3247. Sample No. 32285-E.)**

This product was insect-infested.

On January 7, 1941, the United States attorney for the District of Arizona filed a libel against 15 cases of egg noodles at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about May 28 and September 7, 1940, by the Skinner Manufacturing Co. from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Skinners Home Style Pure Egg Noodles."

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1408. Adulteration and misbranding of egg noodles. U. S. v. V. Arena & Sons, Inc. Plea of nolo contendere. Judgment of guilty. Fine, \$50. (F. D. C. No. 2118. Sample Nos. 14101-E, 14108-E, 14104-E, 77662-D to 77666-D, incl., 77668-D.)**

This product contained artificial color which made it simulate the appearance of a product containing a larger proportion of egg than was actually present.

On October 2, 1940, the United States attorney for the Eastern District of Pennsylvania filed an information against V. Arena & Sons, Inc., Norristown, Pa., alleging shipment within the period from on or about October 9, 1939, to on or about February 19, 1940, from the State of Pennsylvania into the State of New Jersey of quantities of egg noodles that were adulterated and misbranded. The article was labeled in part: "Conte Luna Pure Egg Noodles."

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

The article was alleged to be misbranded in that the statements "Pure Egg Noodles \* \* \* Made from Semolina and Egg Yolks" in the labeling of a portion of the article, and the statement "Pure Egg Noodles" in the labeling of the remainder, were false and misleading in that they represented that it consisted of pure egg noodles and that a portion had been made solely from semolina and egg yolks; whereas it did not so consist, but did consist of a substance containing added artificial color which artificial color created the impression that the article contained a larger proportion of egg than was actually present.

On January 17, 1941, a plea of nolo contendere was entered on behalf of the defendant, and the court having found the defendant guilty, imposed a fine of \$50.

**1409. Adulteration of macaroni and egg noodles. U. S. v. 21 Cases of Macaroni and 5 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3285. Sample Nos. 32288-E, 32290-E.)**

These products were insect-infested. ←

On October 28, 1940, the United States attorney for the District of Arizona filed a libel against 21 cases of macaroni and 5 cases of egg noodles at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce on or about March 21 and 27, 1940, by the National Food Products Co. from New Orleans, La.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Luxury Brand Macaroni," or "Luxury Brand Plain Noodles."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.