

5585. Adulteration and misbranding of noodle soup. U. S. v. 25 Cartons of Noodle Soup. Decree of condemnation. Product ordered destroyed or delivered to a welfare organization. (F. D. C. No. 10138. Sample No. 14363-F.)

Examination showed this product consisted of a mixture of egg noodles with chicken fat, hydrogenated vegetable oil, and artificial flavoring.

On or about July 6, 1943, the United States attorney for the District of Oregon filed a libel against 25 cases of noodle soup at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about May 15, 1943, by the Aldama Products Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Envelope) "E. Z. Noodle Soup" (Picture of a hen). The envelope also bore the words "Real Chicken Fat" in large prominent type and the statement, "Ingredients: Contains Real Egg Noodles, Chicken Fat, Hydrogenated Vegetable Oil * * * Artificially Flavored 3 Ozs. Net Wt." in small, inconspicuous type.

The article was alleged to be adulterated in that a substance containing both chicken fat and vegetable oil had been substituted for an article purporting to contain fat derived from chicken only.

The article was alleged to be misbranded in that the statement "With Chicken Fat," appearing on the display carton and shipping case, and the prominent statement "Real Chicken Fat," and the picture of a hen appearing on the envelope, were misleading since they implied that the fat present was all chicken fat, whereas hydrogenated vegetable oil was also present, and this impression was not corrected by the inconspicuous ingredient declaration. It was alleged to be misbranded further in that the statement of ingredients, required by the Act 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 August 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a welfare organization.

5586. Misbranding of chicken noodle soup mix. U. S. v. 15 Cases of Chicken Noodle Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 9932. Sample No. 15115-F.)

On May 13, 1943, the United States attorney for the District of Oregon filed a libel against 15 cases of chicken noodle soup mix at Brownsville, Oreg., alleging that the article had been shipped in interstate commerce on or about April 6, 1943, by the DeLuxe Brands Co., from Los Angeles, Calif.; and charging that it was misbranded. The article was labeled in part: "DeLuxe Brand * * * [vignette of a chicken] Chicken Noodle Soup Mix." The article was alleged to be misbranded in that the vignette of a chicken and the name "Chicken Noodle Soup Mix" was false and misleading as applied to an article that contained little, if any, extractives of chicken, and which owed its flavor, at least in part, to artificial flavor.

On July 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GIFT PACKAGES OF FOOD *

5587. Adulteration of gift packages. U. S. v. 51 Cartons of "Victory Snack-Pack." Default decree of condemnation and destruction. (F. D. C. No. 10854. Sample No. 29667-F.)

Examination showed the peanuts in this assortment were infested with beetles.

On October 7, 1943, the United States attorney for the Northern District of California filed a libel against 51 cartons, each containing an assortment of cookies, nuts, candies, a jar of peanut butter, and a jar of olives or cherries, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 28, 1943, by the United States Candy and Food Corporation from New York, N. Y.; 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: (Cartons) "Victory Snack-Pack".

On November 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5588. Adulteration and misbranding of gift packages. U. S. v. 47 Dozen and 9 Cases of Gift Packages. Default decrees of condemnation and destruction. (F. D. C. Nos. 10928, 12180. Sample Nos. 29671-F, 60530-F.)

Examination showed that the crackers, candy, and peanuts in these packages contained one or more of the following: Insect excreta, webbing, pupae, beetles,

*For gift packages containing candy as the only food product see Nos. 5443, 5444.