

9662. Adulteration and misbranding of noodles. U. S. v. 112,000 Pounds of Noodles (and 5 other seizure actions against noodles). Decrees of condemnation. Portions of product ordered delivered to a public institution or destroyed; remainder ordered released under bond. (F. D. C. Nos. 17077, 17094 to 17097, incl., 17348. Sample Nos. 7117-H to 7122-H, incl., 7127-H to 7137-H, incl., 7139-H, 7140-H, 7143-H.)

LIBELS FILED: Between July 31 and September 10, 1945, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of June 1 and July 5, 1945, by the Atlantic Macaroni Co., Inc., from Long Island City, N. Y.

PRODUCT: Noodles. 112,000 pounds and 225 75-pound bags at Hoboken, N. J.; 28 boxes, each containing 12 1-pound packages, and 21 boxes, each containing 24 ½-pound packages, at Newark, N. J.; 15 boxes, each containing 12 ¾-pound packages, at Asbury Park, N. J.; 17 boxes, each containing 12 1-pound packages, at Long Branch, N. J.; and 17 boxes, each containing 12 1-pound packages, at Sea Bright, N. J.

LABEL, IN PART: (Portions) "Caruso Brand Pure Egg Products No artificial Coloring," or "Pure Egg Neckties No Artificial Coloring." The Hoboken lots were unlabeled, but they were purchased under contracts for a product complying with the definition and standard of identity for noodles.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), (all lots, with the exception of 225 75-pound bags) a valuable constituent, egg, had been in whole or in part omitted from the article; and, Section 402 (b) (4), (all lots) artificial yellow color had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for noodles since all but one of the lots contained less than 5.5 percent, by weight, of the solids of egg or egg yolks, the minimum provided for by the definition and standard, and all of the lots contained artificial yellow coloring, an ingredient for which no provision exists in the standard. Further misbranding, Section 403 (a), (portion) the statements, "Pure Egg Neckties No Artificial Coloring," and "Pure Egg Products No Artificial Coloring," borne on the labels, were false and misleading.

DISPOSITION: On September 6 and 19, 1945, the Atlantic Macaroni Co., Inc., claimant for the Hoboken lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be repacked and labeled, under the supervision of the Food and Drug Administration, and delivered to UNRRA for the relief of foreign peoples. On October 5 and December 17, 1945, no claimant having appeared for the other lots, judgments of condemnation were entered. The Newark lot was ordered destroyed, and the Asbury Park, Long Branch, and Sea Bright lots were ordered delivered to public institutions.

9663. Misbranding of egg noodles. U. S. v. 36 Cases of Egg Noodles. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15831. Sample Nos. 22322-H, 22323-H.)

LIBEL FILED: March 29, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about February 10, 1945, by Ravarino and Freschi, Inc., from St. Louis, Mo.

PRODUCT: 36 cases, each containing 24 packages, of egg noodles at Little Rock, Ark. The product was short-weight.

LABEL, IN PART: "Net Wt. ½ Pound Kroger's Country Club Quality Brand Pure Egg Noodles."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

9664. Adulteration of noodles and spaghetti. U. S. v. 110 Packages of Noodles and 100 Packages of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 16889. Sample Nos. 24802-H, 24803-H.)

LIBEL FILED: July 20, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 24, 1945, by The Loeb Dietetic Food Co., Inc., from New York, N. Y.