

of Pennsylvania, of a quantity of egg noodle sticks which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained a small amount of coloring matter, probably saffron, and that it contained little, if any, egg.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, plain water noodles, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; for the further reason that ordinary plain water noodles, containing little or no egg, had been substituted wholly or in part for "Egg Noodle Sticks," which the article purported to be; and for the further reason that it had been artificially colored in a manner whereby its inferiority to the article it purported to be, to wit, "Egg Noodle Sticks," was concealed.

Misbranding was alleged for the reason that the said article was labeled "Egg Noodle Sticks," so as to deceive and mislead the purchaser into the belief that it was "Egg Noodle Sticks," whereas, in truth and in fact, it was not egg noodle sticks but was a product composed of plain noodles, having therein an insufficient amount, if any, of egg. Misbranding was alleged for the further reason that the article was a product composed of plain or water noodles, artificially colored and prepared in imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Egg Noodle Sticks."

On May 23, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9947. Misbranding of grapes. U. S. * * * v. James Marcelletti. Plea of guilty. Fine, \$50. (F. & D. No. 14544. I. S. No. 635-t.)

On April 27, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Marcelletti, Paw Paw, Mich., alleging shipment by said defendant, on or about September 18, 1920, in violation of the Food and Drugs Act, as amended, from the State of Michigan into the State of Illinois, of a quantity of grapes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside thereof.

On June 7, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9948. Adulteration of coal-tar color. U. S. * * * v. 1 Can of Coal-Tar [Color]. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14615. I. S. No. 3226-t. S. No. E-3171.)

On March 11, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can of coal-tar [color], remaining unsold in the original unbroken package at Mount Carmel, Pa., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 23, 1921, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with, and substituted

wholly or in part for, the said article, and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, arsenic, which might render the said article injurious to health.

On June 25, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9949. Adulteration of chocolate coating and adulteration and misbranding of cocoa liquor. U. S. * * * v. 26 Cases and 78 Cases of Chocolate Coating * * * and 18 Cases of Cocoa Liquor * * *. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15096, 15098. I. S. Nos. 10643-t, 10644-t, 10645-t. S. Nos. W-982, W-983, W-984.)

On or about June 28, 1921, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 104 cases of chocolate coating and 18 cases of cocoa liquor, remaining in the original unbroken packages at Seattle, Wash., alleging that the articles had been shipped by the D. Ghirardelli Co., San Francisco, Calif., between the dates February 7, 1920, and May 10, 1921, and transported from the State of California into the State of Washington, and charging adulteration of the chocolate coating and adulteration and misbranding of the cocoa liquor, in violation of the Food and Drugs Act. The articles were labeled in part, respectively: (Cake) "W. H. Miners Sweet Chocolate Coating * * *"; D. Ghirardelli's Confectioners Sweet Chocolate O Coating"; and "W. H. Miners Confectioners Chocolate Coating Cocoa Liquor."

Adulteration of both articles was alleged in the libels for the reason that excessive cocoa shells had been mixed and packed with, and substituted wholly or in part for, the said articles. Adulteration of the cocoa liquor was alleged for the further reason that a valuable constituent, to wit, cocoa fat, had been wholly or in part abstracted.

Misbranding of the cocoa liquor was alleged for the reason that the statement on the label, "Confectioners Chocolate Coating," was false and misleading and deceived and misled the purchaser when applied to this product.

On July 11, 1921, the D. Ghirardelli Co., San Francisco, Calif., claimant, having admitted the allegations of the libels and having confessed judgment, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,100, in conformity with section 10 of the act, conditioned in part that the said products be reconditioned under the supervision of and in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9950. Misbranding of cottonseed meal. U. S. * * * v. John F. Smith, William B. Traynor, Charles A. Peacock, and Francis W. Dewson (Shelby County Cotton Oil Mill). Pleas of nolo contendere. Fine, \$50 and costs. (F. & D. No. 11347. I. S. No. 10901-r.)

On January 22, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Smith, William B. Traynor, Charles A. Peacock, and Francis W. Dewson, trading as the Shelby County Cotton Oil Mill, Memphis, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or