

On June 12, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of peanut butter, in part at Los Angeles, Calif., and in part at Long Beach, Calif., alleging that the article had been shipped in interstate commerce, on or about May 19, 1934, by Preserves & Honey, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Princess Pat Peanut Butter Contents 9 Oz. Williamson Candy Co. Chicago-Brooklyn."

The libel alleged that the article was misbranded in that the statement "Contents 9 Oz." was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 7, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the product was ordered delivered to charitable or welfare organizations in view of the fact that it was fit for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

22916. Adulteration and misbranding of egg noodles. U. S. v. Walker Products Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 32903. Sample no. 44142-A.)

This case was based on a shipment of alleged egg noodles. Examination showed that the product contained less egg solids than egg noodles should contain.

On August 18, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walker Products Co., Inc., Indianapolis, Ind., alleging shipment by said company, on or about August 5, 1933, from the State of Indiana into the State of Maryland, of a quantity of alleged egg noodles which were adulterated and misbranded. The article was invoiced as "Egg Noodles" and was sold under a contract calling for egg noodles.

The article was alleged to be adulterated in that imitation egg noodles containing less egg solids than egg noodles contain, had been substituted for egg noodles, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of another article, and was offered for sale under the distinctive name of another article, egg noodles.

On September 8, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22917. Adulteration of walnut meats. U. S. v. L. Demartini Supply Co. Plea of guilty. Fine, \$50. (F. & D. no. 32908. Sample nos. 45388-A, 64057-A.)

This case was based on interstate shipments of walnut meats, samples of which were found to be rancid, moldy, or insect-infested.

On August 29, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the L. Demartini Supply Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 2, 1933, from the State of California into the State of Illinois, and on or about December 5, 1933, from the State of California into the State of Idaho, of quantities of walnut meats which were adulterated. A portion of the article was labeled in part: "Packed by L. Demartini Supply Co., San Francisco, Calif."

The information alleged that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, due to the high rancidity of a large percentage of one shipment, and mold and infestation with worms in the other.

On August 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*