

24938. Adulteration and misbranding of egg noodles, spaghetti, and macaroni. U. S. v. 80 Boxes of Egg Noodles, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35478, 35495, 35501, 35504, 35514, 35521, 35522. Sample nos. 21984-B, 24546-B, 30237-B, 30238-B, 30239-B, 30609-B, 30610-B, 30611-B, 30612-B, 30625-B, 30815-B, 30817-B, 30821-B, 30822-B.)

These cases involved various shipments of alimentary paste which contained soybean meal and an added yellow coloring substance, turmeric.

On May 9, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 162 boxes of egg noodles and 41 boxes of spaghetti at Jersey City, N. J. On May 15, 17, 18, 21, and 23, 1935, libels were filed against 23 cartons of spaghetti and 41 boxes of egg noodles at Newark, N. J.; and 74 boxes of spaghetti at Perth Amboy, N. J.; 44 cases of spaghetti at New Haven, Conn.; 28 boxes of macaroni at Philadelphia, Pa.; and 26 boxes and 230 packages of macaroni and noodles at Scranton, Pa. The libels charged that the articles had been shipped in interstate commerce between the dates of February 25 and May 1, 1935, by the Atlantic Macaroni Co., Inc., from Long Island City, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Caruso Brand Pure Egg Noodles [or "Spaghetti"] * * * The Atlantic Macaroni Co., Inc., Long Island City, N. Y."; "Parodi None Better Spaghetti"; "Spaghetтини"; "Dolsun Brand Spaghetti"; "La Napolitana Brand Macaroni"; "Alimentary Paste Cavilli Brand High Grade Macaroni"; "Capellini No. 1 Semolina"; "Mostaccioli Rigati * * * No. 1 Semolina"; "Pure Egg Noodles"; "Pure Egg Products No Artificial Coloring"; "Pure Egg Flakes [or "Broad", "Medium", or "Barley"]."

The articles, with the exception of one lot of spaghetti, were alleged to be adulterated in that products containing soybean meal and an added color, turmeric, had been substituted for spaghetti, macaroni, and egg noodles; and for the further reason that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to mixtures of spaghetti, macaroni, or egg noodles containing soybean meal and added coloring matter: "Pure Egg", "Noodles", "Pure Egg Noodles", "For those Who Want the Best", "Spaghetti", "Caruso Spaghetti and Egg Noodles", "Spaghetti", "The Acme of Perfection", "None Better Spaghetti Made of a Blend of Flour and Semolina", "Spaghetтини * * * Made of a blend of flour and semolina", "Macaroni", "Alimentary Paste * * * High Grade Macaroni", "No. 1 Semolina", "Mostaccioli Rigati", "Pure Egg Products * * * No Artificial Coloring", "Egg and Farina Products", "Pure Egg Flakes", "Pure Egg Broad", "Pure Egg Medium", and "Pure Egg Barley."

On June 28, July 13, July 23, and September 30, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24939. Misbranding of canned peas. U. S. v. 241 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35479. Sample no. 23838-B.)

This case involved an interstate shipment of canned peas which fell below the standard established by this Department because of the presence of an excessive percentage of ruptured peas, and which were not labeled to indicate that they were substandard.

On May 10, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 241 cases of canned peas at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by Francis H. Leggett & Co., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Park Hall Brand Early June Peas * * * Packed by G. L. Webster Company, Incorporated, Cheriton, Virginia."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of immature peas as shown by the excessive

number of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On May 27, 1935, the G. L. Webster Co., Inc., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

24940. Adulteration and misbranding of macaroni. U. S. v. 21 Cases of Macaroni. Default decree entered. Product delivered to a charitable organization. (F. & D. no. 35481. Sample no. 30615-B.)

This case involved a shipment of macaroni that contained soya flour and turmeric, a yellow coloring matter.

On May 9, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of macaroni at Passaic, N. J., alleging that the article had been shipped in interstate commerce on or about March 7, 1935, by the Cardinale Macaroni Manufacturing Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Made of Pure Semolina Cardinale Brand Cardinale Macaroni * * * Cardinale Macaroni Manufacturing Co. Inc."

The article was alleged to be adulterated in that a product containing soya flour and turmeric had been substituted for semolina macaroni, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Macaroni" and "Made of Pure Semolina", were false and misleading and tended to deceive and mislead the purchaser, when applied to a mixture of semolina macaroni, soya flour, and added coloring matter, turmeric.

On June 15, 1935, no claimant having appeared, judgment was entered ordering that the product be delivered to a charitable organization.

W. R. GREGG, *Acting Secretary of Agriculture.*

24941. Adulteration of tomato paste. U. S. v. 58 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35482. Sample no. 26706-B.)

This case involved a shipment of tomato paste that contained worm and insect debris.

On May 10, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cases of tomato paste at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 23, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "De-Luxe Brand Tomato Paste * * * Greco Canning Co. Inc., San Jose, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24942. Adulteration and misbranding of tomato catsup. U. S. v. 33 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35483. Sample no. 33105-B.)

This case involved an interstate shipment of tomato catsup that contained worm and insect debris and rodent hairs, and was also short volume.

On May 10, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases, each containing 4 jugs of catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about February 16 and February 19, 1935, by the Smith Canning Co., from Clearfield, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Brimful Brand Fancy Catsup Contents One Gallon H A Marr Grocery Co Distributors Denver-Enid-Omaha-Amarillo."