

from Detroit, Mich.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Net Weight 1 lb. 3 oz. Table Craft Golden Yellow Corn Meal Mush."

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

It was alleged to be misbranded in that the statement "Net Weight 1 lb. 3 ozs." was false and misleading since the statement was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On July 12, 1940, La Choy Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and a portion of the product which had been found to be free from filth and unadulterated, was ordered delivered to a charitable institution and the remainder was ordered destroyed.

MACARONI PRODUCTS

1220. Misbranding of macaroni. U. S. v. 24 Cases of Macaroni. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2006. Sample No. 33089-E.)

This product occupied on an average less than half the space in the package. It was also short of the declared weight, and the net weight statement was inconspicuously placed on the ends of the package.

On May 22, 1940, the United States attorney for the District of New Jersey filed a libel against 24 cases of macaroni at Paterson, N. J., alleging that the article had been shipped in interstate commerce on or about April 23, 1940, by the De Martini Macaroni Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: (Package) "Martini Brand Pure Semolina Macaroni * * * Net Wt. 8 Oz."

It was alleged to be misbranded in that the statement "Net Wt. 8 Oz." was false and misleading since it was not correct; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents. The article was alleged to be misbranded further in that the statement of quantity of contents required by law to appear on the label 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 December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1221. Misbranding of macaroni and spaghetti. U. S. v. 258 Cases of Macaroni and 198 Cases of Spaghetti. Consent decree of condemnation. Products ordered released under bond for repackaging. (F. D. C. No. 2435. Sample Nos. 9884-E, 9885-E.)

The macaroni occupied only about 71 percent and the spaghetti only about 67 percent of the capacity of their respective containers.

On July 25, 1940, the United States attorney for the Western District of Texas filed a libel against 258 cases of macaroni and 198 cases of spaghetti at San Antonio, Tex., alleging that the articles had been shipped in interstate commerce on or about February 19 and April 30, 1940, by the American Beauty Macaroni Co. from Kansas City, Mo.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Red & White Brand Cut Macaroni [or "Spaghetti"] Red & White Corp'n., Distributors, Chicago."

On December 10, 1940, the American Beauty Macaroni Co. and Sweeney & Co., Inc., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that they be repackaged under the supervision of the Food and Drug Administration.

1222. Misbranding of macaroni and spaghetti. U. S. v. 49 Cases of Macaroni and 49 Cases of Spaghetti. Consent decree of condemnation. Products ordered released under bond for repackaging or sale in bulk and destruction of containers. (F. D. C. No. 2433. Sample Nos. 2821-E, 2822-E.)

The macaroni occupied on an average about 62 percent and the spaghetti on an average about 56 percent of the space in their respective cartons.

On July 26, 1940, the United States attorney for the District of Maine filed a libel against 49 cases of macaroni and 49 cases of spaghetti at Portland, Maine, alleging that the articles had been shipped in interstate commerce on or about