

1230. Misbranding of noodle soup mix. U. S. v. "Beefy-Bowl Noodle Soup Mix with Beef Stock," etc. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2437. Sample Nos. 5688-E, 5689-E, 5690-E.)

These packages each contained noodles and an envelope of soup mix, which occupied only about 60 percent of the capacity of the package. In two of the lots the envelopes containing the soup mix did not bear a statement of the quantity of contents, and in the third lot the envelopes were unlabeled.

On or about July 30, 1940, the United States attorney for the Southern District of Ohio filed a libel against 134 packages of noodle soup mix at Cincinnati, Ohio, which had been shipped in interstate commerce within the period from on or about May 10 to on or about July 13, 1940, alleging that the article had been shipped by the Carjon Food Products Co. from Chicago, Ill.; and charging that it was misbranded. The article was variously labeled in part: (Package) "Beefy-Bowl Noodle Soup Mix with Beef Stock"; "Noodle-Bowl Noodle Soup Mix with Vegetables"; and "Chick-n-Bowl Noodle Soup Mix Flavored with Chicken Fat."

The Beefy-Bowl Soup Mix was alleged to be misbranded in that the statement "Beefy-Bowl" was misleading as applied to an artificially flavored product. It was alleged to be misbranded further in that the statement "With Beef Stock" was misleading as it referred to only one ingredient, whereas the flavor was derived in part from artificial sources.

The Chick-n-Bowl mix was alleged to be misbranded in that the statement "Chick-n-Bowl" was misleading as applied to a soup mix containing no chicken broth, a fundamental ingredient of chicken soup, the chief flavor of the product being derived from artificial sources. It was alleged to be misbranded further in that the prominent statement in the name of the article, "Flavored with Chicken Fat," was misleading as it referred to only one ingredient; whereas the flavor was derived in part from artificial sources. It was alleged to be misbranded further in that it was in package form and the envelope containing the mix did not bear the name and place of business of the manufacturer, packer, or distributor. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear the common or usual name of each such ingredient.

The Noodle Bowl Mix was alleged to be misbranded in that the prominent statement in the name of the article, "with vegetables," was misleading as it referred to only one ingredient; whereas the flavor was derived in part from artificial sources. All lots were alleged to be misbranded further in that their containers were so made, formed, or filled as to be misleading and in that they were in package form and the soup mix did not bear an accurate statement of the quantity of the contents.

On November 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1231. Misbranding of potato pancake mix, noodle soup mix, and egg noodles. U. S. v. 24 Dozen Cartons of Potato Pancake Mix, 43 Dozen Cartons of Noodle Soup Mix, and 27 Dozen Cartons of Egg Noodles. Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 2194. Sample Nos. 10297-E, 10298-E, 10299-E.)

The potato pancake mix was contained in a waxed paper bag packed in a cardboard carton, the bag and contents occupying less than 60 percent of the carton in which they were packed. The soup mix consisted of dried vegetables and artificial flavoring that were contained in a waxed paper envelope which was placed along one side of the carton, the noodles being packed around it; the contents occupied on an average only 85 percent of the capacity of the carton. The egg noodles occupied only about 78 percent of the capacity of the carton but when fluffed by shaking, they occupied about 85 percent of its capacity. Moreover, the name and place of business of the manufacturer was inconspicuously placed on the label.

On June 11, 1940, the United States attorney for the District of New Jersey filed a libel against the above-named articles at Newark, N. J., alleging that they had been shipped in interstate commerce within the period from on or about March 25 to on or about May 20, 1940, by Horowitz Bros. & Margaretten, from New York, N. Y.; and charging that they were misbranded. They were labeled in part: "Horowitz Margaretten Potato Pancake Mix [or "Noodle Soup Mix" or "Pure Egg Noodles"]."

All articles were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading.