

**2322. Misbranding of macaroni and spaghetti. U. S. v. 253 Packages of Long Macaroni, 220 Packages of Elbow Macaroni, and 430 Packages of Spaghetti. Default decree of condemnation. Products ordered delivered to a charitable institution.** (F. D. C. No. 4849. Sample Nos. 40724-E to 40726-E, incl.)

The containers of this long macaroni, elbow macaroni, and spaghetti were filled to approximately 40, 60, and 28 percent, respectively, of their capacity.

On May 29, 1941, the United States attorney for the District of New Jersey filed a libel against 253 packages of long macaroni, 220 packages of elbow macaroni, and 430 packages of spaghetti at Camden, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about March 26 to on or about April 30, 1941, by the Kurtz Bros. Corporation from Philadelphia, Pa.; and charging that they were misbranded in that the containers were so made, formed, or filled as to be misleading. They were labeled in part: "Five Penny Pure Semolina Long Macaroni [or "Elbow Macaroni" or "Spaghetti"] 8 Oz."

On September 25, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution.

**2323. Misbranding of egg noodle and chicken dinner. U. S. v. 2 Cases and 10 Cases of Egg Noodle and Chicken Dinner. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 4862. Sample Nos. 47336-E, 47337-E.)

This product consisted of noodles, broth, and chicken meat. All of the meat was packed near the outside of the jar, a thin slice being placed on each of four sides, giving the appearance of a product containing a large proportion of chicken meat. It also contained wheat protein derivative, which should have been declared as artificial flavoring.

On June 3, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 12 cases of egg noodle and chicken dinner at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about May 7 and 14, 1941, by the Kennedy Mayonnaise Products Co., Inc., from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: (Jars) "Red Mill Brand 1 Lb. Net Wt."

It was alleged to be misbranded in that its container was so filled as to be misleading, since the chicken meat was spread over a large area to give the appearance of a large quantity. It was alleged to be misbranded further in that it contained artificial flavoring and did not bear labeling stating that fact.

On June 30, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered delivered to a charitable institution.

#### FEED

**2324. Misbranding of cottonseed screenings. U. S. v. Southern Cotton Oil Co. Plea of nolo contendere. Fine, \$25.** (F. D. C. No. 4139. Sample No. 18499-E.)

This product contained less protein than the amount declared.

On June 6, 1941, the United States attorney for the Eastern District of Arkansas filed an information against the Southern Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment on or about November 19, 1940, from the State of Arkansas into the State of Kansas of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: "Interstate Brand 43% Protein Cotton Seed Cake & Meal \* \* \* Interstate Feed Company Fort Worth-Texas."

The article was alleged to be misbranded in that the statements "43% Protein Cotton Seed Cake & Meal \* \* \* Protein, not less than 43.00%," appearing on the tag, were false and misleading since they represented that the article contained not less than 43 percent of protein; whereas it contained less than 43 percent, namely, not more than 40.88 percent of protein.

On June 11, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25.

**2325. Misbranding of cottonseed meal. U. S. v. The Union Oil Mill, Inc. Plea of guilty. Fine, \$500.** (F. D. C. No. 4159. Sample No. 17343-E.)

Examination of this product showed that it contained a smaller proportion of protein than that declared on the label.

On July 9, 1941, the United States attorney for the Western District of Louisiana filed an information against the Union Oil Mill, Inc., West Monroe, La., alleging shipment on or about October 2, 1940, from the State of Louisiana into the State