

drink at Waterbury, Conn., alleging that the articles had been shipped on or about June 28 and July 1, 1943, in interstate commerce from Brooklyn, N. Y., by the Goodman Products Corp.; and charging that it was misbranded. The article was labeled in part: (Bottles) "Grapelane Brand Grape Juice Drink * * * Packed by Paradise Packing Co., 68 Jay St. Brooklyn, N. Y."

It was alleged to be misbranded (1) in that the name "Grapelane" and the words "Grape Juice" were misleading as applied to an imitation grape juice consisting of an artificially flavored and colored solution of water, sugar or sugars, grape juice, phosphoric acid, and benzoate of soda; and (2) in that it was an imitation of another food, grape juice, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated.

On September 30, and October 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

CEREAL AND CEREAL PRODUCTS

ALIMENTARY PASTES

5413. Adulteration of egg noodles. U. S. v. A. Zerega's Sons, Inc. Plea of guilty. Fine, \$900. (F. D. C. No. 10563. Sample Nos. 19136-F, 44362-F, 44363-F, 45067-F, 45068-F.)

On October 26, 1943, the United States attorney for the Eastern District of New York filed an information against A. Zerega's Sons, Inc., Brooklyn, N. Y., alleging shipment on or about February 10 and March 23 and 24, 1943, from the State of New York into the State of New Jersey of quantities of egg noodles that were adulterated. The article was labeled in part: (Cartons) "Flagstaff * * * Pure Egg Noodles Distributors Greenspan Bros. Co., Perth Amboy, N. J.," "Filigree Quality Egg Noodles Filigree Quality Foods, Inc., Jersey City, New Jersey Distributors," or (on slips inserted within cellophane wrappers) "Fisher's Cream of the Crop Egg Noodles Packed by Fisher Milling Co. Bayonne, N. J."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance because of the presence of one or more of the following: Rodent hairs, rodent hair fragments, hair fragments resembling rodent hairs, fragments of human and unidentified hair, insect fragments, wood splinters, cat hair, and a metal chip; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 26, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300 on each of the 3 counts.

5414. Adulteration and misbranding of egg noodles. U. S. v. 65 Cartons of Egg Noodles (and 6 additional seizure actions against egg noodles). Default decrees of condemnation. Two lots ordered delivered to welfare organizations; remaining lots ordered destroyed. (F. D. C. Nos. 10351, 10353, 10361, 10362, 10378 to 10380, incl., 10432. Sample Nos. 33483-F to 33485-F, incl. 33694-F, 33695-F, 34153-F, 34211-F, 44242-F, 45395-F, 56481-F to 56484-F, incl.)

On August 3, 5, 6, 9, 10, and 18, 1943, the United States attorneys for the Southern and Western Districts of New York and the Northern District of Ohio filed libels against 65 cartons and 522 cases of egg noodles at New York, N. Y., 61 cases at Youngstown, Ohio, 69 cartons and 89 cases at Mt. Vernon, N. Y., 32 cartons at Yonkers, N. Y., 122 cases at Buffalo, N. Y., and 302 cases at Olean, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about March 1 to June 28, 1943, by National Foods, Inc., from Pittsburgh, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Pure Egg Noodles," or "Marjorie Daw Pure Egg Noodles * * * Contains 5.5% Egg Solids, No artificial Coloring Added."

The article was alleged to be adulterated (1) in that a valuable constituent, egg, had been in whole or in part omitted therefrom; (2) in that artificially colored noodles deficient in egg solids had been substituted in whole or in part for pure egg noodles, which they purported and were represented to be; (3) in that inferiority had been concealed by the addition of artificial color; and (4) in that artificial coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statements, "Pure Egg Noodles", with respect to one lot, and "Pure Egg Noodles * * * Contains 5.5% Egg Solids, No Artificial Coloring Added," with respect to the other lots,

were false and misleading as applied to artificially colored noodles deficient in egg solids.

On September 7, 14, 20, and 28, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On September 27, 1943, the decrees covering the lots located at Buffalo and Olean, N. Y., were amended to permit delivery of the product to welfare organizations.

5415. Adulteration of macaroni. U. S. v. 13 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10386. Sample No. 56524-F.)

Examination of this product showed the presence of insects, insect fragments, and rodent hair fragments.

On or about July 29, 1943, the United States attorney for the Southern District of New York filed a libel against 13 cases, each containing 20 pounds, of macaroni at Bronx, N. Y., alleging that the article had been shipped on or about July 6, 1943, by B. Filippone & Co., from Passaic, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Puccini Brand * * * Macaroni."

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5416. Adulteration of macaroni. U. S. v. 87 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10522. Sample No. 35601-F.)

On September 2, 1943, the United States attorney for the Northern District of Georgia filed a libel against 87 cases, each containing 24 packages, of macaroni at Atlanta, Ga., alleging that the article had been shipped on or about July 15, 1943, in interstate commerce, by the Tampa Macaroni Co., Inc., from Tampa, Fla.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence therein of insect fragments and hair fragments resembling rodent and cat hairs; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Packages) "Tampa-Maid Brand Macaroni."

On September 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

5417. Adulteration of bakery products. U. S. v. Agnew B. Cowan (Cowan Baking Co.). Plea of guilty. Fine, \$250. (F. D. C. No. 10556. Sample Nos. 46218-F, 46220-F to 46223-F, incl., 46225-F, 46227-F to 46230-F, incl.)

Samples of these products were found to contain rodent hairs, hair fragments resembling rodent hair, or insect fragments.

On October 20, 1943, the United States attorney for the Northern District of West Virginia filed an information against Agnew B. Cowan, trading as Cowan Baking Co., at Morgantown, W. Va., alleging shipment on or about April 14, 1943, from the State of West Virginia into the State of Pennsylvania of quantities of bread, doughnuts, and buns, which were adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Cowan's 'Enriched' Bread," "Cowan's Super Donuts," "Cowan's Sliced Buns," or "Cowan's Wheat Bread."

On October 22, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$50 on each of 5 counts, totaling \$250.

5418 Adulteration of biscuits. U. S. v. Loose-Wiles Biscuit Company. Plea of guilty. Fine, \$250. (F. D. C. No. 7296. Sample No. 93406-E.)

On November 10, 1942, the United States attorney for the Western District of Washington filed an information against the Loose-Wiles Biscuit Company, a corporation, Seattle, Wash., alleging shipment on or about March 26, 1942, from the State of Washington into the territory of Alaska, of a quantity of biscuits that were adulterated. They were labeled in part: (Box) "P. E. Harris & Co. Hawk Inlet Alaska Sunshine Biscuits."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance because of the presence of hairs resembling rodent hairs, and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.