

**9408. Adulteration and misbranding of egg noodles. U. S. * * * v. 7
Cases of Egg Noodles. Default decree of condemnation, forfeiture,
and destruction. (F. & D. No. 14668. I. S. No. 10295-t. S. No. W-891.)**

On March 21, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of seven cases of egg noodles, remaining unsold in the original unbroken packages at Denver, Colo., consigned by John J. Meier & Co., St. Louis, Mo., alleging that the article had been shipped on or about July 17, 1920, and February 23, 1921, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Wide" (or "Medium" or "Fine") "14 Oz. Net Weight White Cross Brand Egg Noodles Manufactured By John J. Meier & Co. St. Louis, Mo. * * * Artificially Colored * * *"

Adulteration of the article was alleged in the libel for the reason that artificially colored plain noodles had been substituted wholly for egg noodles, which the article purported to be, and for the further reason that said noodles were colored in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statement borne on the case and on the carton, to wit, "Egg Noodles," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, plain artificially colored noodles, offered for sale under the name of egg noodles.

On May 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

**9409. Adulteration and misbranding of cottonseed meal. U. S. * * * v.
300 Bags of Cottonseed Meal. Default decree of condemnation and
forfeiture. Product ordered sold. (F. & D. No. 14683. I. S. No.
10283-t. S. No. W-893.)**

On March 28, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 bags of cottonseed meal, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the McCall Cotton & Oil Co., Phoenix, Ariz., alleging that the article had been shipped on or about January 12, 1921, and transported from the State of Arizona into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net Weight 99 Pounds Brand McCall Co. McCall Cotton and Oil Co., Phoenix, Arizona Guaranteed Analysis Crude Protein 43.00 per cent. Crude Fat 6.00 per cent. Crude Fiber 10.00 per cent. Ash 6.60 per cent. Composed of Pressed Cottonseed."

Adulteration of the article was alleged in the libel for the reason that a product containing less than 43 per cent, to wit, 38.79 per cent, of protein meal had been substituted for 43 per cent protein meal, which said article purported to be.

Misbranding was alleged for the reason that the statement borne on the label, to wit, "Crude Protein 43.00 per cent," was false and misleading and

deceived and misled the purchaser in that said cottonseed meal did not contain 43 per cent of protein, but contained only 38.79 per cent of protein.

On May 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, but that it be not sold or disposed of in violation of law.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9410. Misbranding of Grapine. U. S. * * * v. 1 Barrel of Grapine. Default decree of condemnation. Product ordered sold or destroyed.
(F. & D. No. 5317. I. S. No. 590-h. S. No. 1910.)

On August 21, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel for the seizure and condemnation of 1 barrel of Grapine, at Washington, D. C., alleging that the article had been shipped by the Wm. A. Beatty Co., Inc., Los Angeles, Calif., on May 28, 1913, and transported from the State of California into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Grapine—Soda Fountain Syrup Added color and flavor. Guaranteed by Wm. A. Beatty & Co. Los Angeles, Cal. Under the Pure Food and Drugs Act, June 30, 1906, Serial No. 38170."

It was alleged in substance in the libel that by means of certain labels upon the barrel containing the article, copies of which labels were attached to and made a part of the libel and marked "Exhibit A," and which bore the word "Grapine" and had displayed prominently thereon designs of clusters of grapes, the article purported to be a grape product, when, in truth and in fact, it was not a grape product. Misbranding was alleged in substance for the further reason that the article was labeled in a false and misleading manner so as to deceive and mislead the purchaser in that the said labels purported that the article was a concentrated grape sirup, when, in truth and fact, it was not a concentrated grape sirup, but was a product artificially flavored and colored so as to imitate and simulate grape sirup, and for the further reason that the said article was offered for sale in imitation of a long [used] and distinctive name of another article, to wit, grape sirup.

On October 10, 1913, the Wm. A. Beatty Co., Inc., Los Angeles, Calif., entered an appearance as claimant for the property. On March 17, 1921, the case having come on for final disposition and no appearance having been made on that date for said claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold or destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9411. Adulteration and misbranding of Big G. U. S. * * * v. 117 Bottles of Big G. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 10637. I. S. No. 6815-r. S. No. C-1302.)

On June 24, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 117 bottles of an article of drugs labeled in part, "Big G * * * Prepared by The Evans Chemical Co., Cincinnati, Ohio," remaining in the original packages at Fort Worth, Tex., consigned by the Evans