

The libels alleged that the egg noodles, spaghetti, and certain lots of the macaroni were adulterated in that articles containing soybean meal and added color, turmeric, had been substituted for egg noodles, spaghetti, and macaroni which the articles purported to be; and for the further reason that they were colored in a manner whereby inferiority was concealed. Adulteration was alleged with respect to one lot of macaroni for the reason that an article containing soybean meal and added color, turmeric, had been substituted for pure semolina (macaroni) which the article purported to be.

The products, with the exception of one lot of macaroni, were alleged to be misbranded in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser: "Pure Egg Noodles", "Fine Egg Noodles", "Pure Semolina", "Noodles Pure Egg \* \* \* Macaroni Products", "Egg Noodles \* \* \* All Asco Egg Noodle products are guaranteed to be the finest possible quality", "Macaroni", "Spaghetti Pure Semolina", "Spaghetti Made From Durum Flour", "Pure Egg Macaroni", "High Grade Macaroni", "Pure Semola", "Finest \* \* \* Macaroni", and "Alimentary Paste \* \* \* Macaroni Extra Quality." Misbranding was alleged with respect to the remaining lot of macaroni for the reason that it was offered for sale under the distinctive name of another article, semolina macaroni.

On June 10, 13, 17, 18, 21, 28, and August 23, 1935, no claimant appearing, judgments of condemnation were entered. The products seized at New York, N. Y., and Buffalo, N. Y., were ordered delivered to charitable institutions, and those covered by the remaining cases were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24936. Adulteration of canned tuna. U. S. v. 9 Cases of Canned Tuna. Portion of product released unconditionally; remainder condemned and destroyed. (F. & D. no. 35465. Sample no. 15891-B.)**

This case involved a shipment of canned tuna which was in part decomposed.

On May 7, 1935, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of canned tuna at Yuma, Ariz., alleging that the article had been shipped in interstate commerce on or about January 4 and January 31, 1935, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Strand Brand California Light Meat Tuna \* \* \* Packed by Cohn-Hopkins, Inc. San Diego, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

No claimant appeared for the property. On June 17, 1935, judgment was entered finding that three cases and eight cans of the product were not adulterated and ordering that they be delivered to the consignee in whose possession they were when seized, and that the remainder be condemned and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24937. Adulteration of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 35469. Sample nos. 28290-B, 28291-B, 28292-B.)**

This case involved a shipment of butter that contained mold and other extraneous matter.

On April 5, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of butter at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about March 27 and March 28, 1935, by the Sugar Creek Creamery Co., from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Grain Creamery Butter", or "Blue Ribbon \* \* \* Creamery Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*