

culture, filed in their respective district courts libels praying seizure and condemnation of 369 cartons of noodles at New York, N. Y., and 297 cases of noodles at Forest Hills, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about February 13, April 23, May 28, and June 15, 1937, by V. Viviano & Bros. Macaroni Mfg. Co., Inc., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Packages) "DeLuxe Pure Egg Noodles Made with Fresh Egg Yolks * * * V. Viviano & Bros. Macaroni Mfg. Co., Inc."

The article was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement, "Pure Egg Noodles Made with Fresh Egg Yolks," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was colored with annatto.

On November 8, 1937, and January 14, 1938, the claimant for the goods seized at New York City having consented to the entry of a decree and the claim in the other proceeding having been withdrawn, judgments of condemnation were entered. The former lot was ordered delivered to a charitable agency and the latter lot was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28103. Adulteration and misbranding of De-Raef Milk Mineral Salts. U. S. v. De-Raef Corporation and Ernest D. Fear. Corporation fined \$200 on plea of guilty. Ernest D. Fear fined \$4 on plea of nolo contendere. (F. & D. No. 38677. Sample Nos. 6609-C, 19017-C.)

This product was represented to consist of milk mineral salts; whereas it was not a mineral and was not derived from milk but consisted in large part of dextrose.

On September 27, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De-Raef Corporation, trading at Kansas City, Mo., and Ernest D. Fear, alleging shipment by said defendants in violation of the Food and Drugs Act on or about August 31 and September 23, 1936, from the State of Missouri into the State of Texas of quantities of De-Raef Milk Mineral salts that were adulterated and misbranded. The article was labeled in part: "De-Raef Corporation * * * Kansas City, Mo."

The article was alleged to be adulterated in that a product composed in large part of dextrose had been substituted for milk mineral salts, which it purported to be.

It was alleged to be misbranded in that the statement "Milk Mineral Salts," borne on the drum label, was false and misleading, and was borne on said label so as to deceive and mislead the purchaser into the belief that it consisted of milk mineral salts; whereas it was not milk mineral salts and was not derived from milk, but was composed in large part of dextrose. It was alleged to be misbranded further in that it was offered for sale and sold under the distinctive name of another article.

On October 9, 1937, a plea of guilty was entered on behalf of the corporation and a plea of nolo contendere was entered by defendant Ernest D. Fear. The corporation was fined \$200 and Ernest D. Fear was fined \$4.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28104. Adulteration of apples. U. S. v. 153 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40378. Sample No. 58632-C.)

This product was contaminated with lead.

On September 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 153 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Moorestown, N. J., by Harold Collins, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28105. Adulteration of apples. U. S. v. 46 Bushels and 15 Crates of Apples. Default decree of condemnation and destruction. (F. & D. No. 40456. Sample Nos. 49420-C, 49421-C.)

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bushels and 15 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about August 31 and September 1, 1937, from Benton Harbor, Mich., by Pictor's Open Air Market, of Hammond, Ind., to itself, and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Wealthy * * * Fred Rosenbaum R. 3 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 12, 1937, no claimants having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28106. Adulteration of apples. U. S. v. 34 Baskets and 20 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40494, 40501. Sample Nos. 59440-C, 59639-C.)

This product was contaminated with arsenic and lead.

On September 30 and October 9, 1937, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 baskets and 20 bushels of apples at Muscatine, Iowa, alleging that the article had been shipped in interstate commerce on or about September 26 and October 5, 1937, from Benton Harbor, Mich. (hailed by truck of Nelson Graham to himself at Muscatine, Iowa), and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Bertha Bahm Route 2 Watervliet, Mich." The remainder was labeled: "August Lull R Two Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 6, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28107. Adulteration and misbranding of macaroni products. U. S. v. 3 Cases of Macaroni, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 38310, 38973 to 38976, incl. Sample Nos. 31233-C, 31234-C, 31236-C, 31237-C, 36101-C to 36106-C, incl.)

These products were colored with annato. In portions the quantity-of-contents statement was incorrect, indistinct, or inconspicuously placed.

On or about January 23 and June 26, 1937, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 614 cases and 46 cartons of macaroni products at Butte, Mont., alleging that the articles had been shipped in interstate commerce between the dates of October 1, 1936, and January 20, 1937, from Salt Lake City, Utah, by the Western Macaroni Manufacturing Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Most of the articles were labeled in part, "Queen's Taste" or "Carnation Brand," together with the various types or shapes "Spaghetti," "Macaroni," "Alphabet," "Fancy Rings," etc. A few lots were labeled "Egg Noodles."

The articles were alleged to be adulterated in that they had been colored in a manner whereby inferiority was concealed. Portions were alleged to be adulterated further in that products containing artificial color, had been substituted in whole or in part for products made from semolina, which they purported to be. The egg noodles were alleged to be adulterated further in that products containing artificial color, a part of which was deficient in eggs, had been substituted for egg noodles, which they purported to be.