

misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Pan Tree Brand Spaghetti * * * Distributed by The Ranney-Davis Mercantile Co."

On October 5, 1940, the Ranney-Davis Mercantile Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1041. Misbranding of spaghetti. U. S. v. 400 Cases of Spaghetti. Consent decree of condemnation. Product ordered released under bond for repackaging. (F. D. C. No. 2258. Sample No. 2785-E.)

This product occupied only about half the capacity of the package, and the statement of the quantity of the contents was inconspicuous.

On June 26, 1940, the United States attorney for the District of Rhode Island filed a libel against 400 cases of spaghetti at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by the Prince Macaroni Manufacturing Co. from Lowell, Mass.; and charging that it was misbranded. The article was labeled in part: (Package) "White Spray Spaghetti Distributed By First National Stores, Inc. Somerville, Mass."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the statement of the quantity of the contents required to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On August 22, 1940, the Prince Macaroni Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked under the supervision of the Food and Drug Administration.

1042. Misbranding of spaghetti dinner. U. S. v. 504 Cases of Spaghetti Dinner. Consent decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 2242. Sample No. 1345-E.)

This product consisted of a package of spaghetti, a can of sauce, and a can of grated cheese enclosed in a carton. The carton had a false bottom which occupied about 30 percent of its capacity. The package containing the spaghetti was also deceptive since the spaghetti occupied less than 60 percent of the volume of the package.

On June 19, 1940, the United States attorney for the District of Maryland filed a libel against 504 cases of spaghetti dinner at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 7 and 31, 1940, by the Chef Boiardi Food Products from Milton, Pa.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Carton) "Lido Club Spaghetti Dinner."

On July 17, 1940, the Chef Boiardi Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged and not disposed of in violation of the law.

1043. Adulteration and misbranding of egg noodles and macaroni products. U. S. v. 220 Cartons of Egg Noodles and Macaroni Products. Consent decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 1081. Sample Nos. 68701-D to 68706-D, incl., 68708-D, 68709-D, 68711-D, 68712-D, 68714-D to 68720-D, incl., 68722-D to 68725-D, incl.)

These products contained a coal-tar color, tartrazine, which gave them the appearance of products containing a greater amount of egg than was actually present.

On or about November 28, 1939, the United States attorney for the District of Connecticut filed a libel against 220 cartons of egg noodles and macaroni products at West Haven, Conn., alleging that the articles had been shipped in interstate commerce within the period from on or about September 29 to on or about October 21, 1939, by Acme Egg Noodle Corporation from Long Island City, N. Y.; and charging that they were adulterated and misbranded. They were labeled in part, variously: "Dutch Maid Macaroni Products [or "Pure Egg Noodles"]"; or "Egg Noodles in Bulk Fine [or "Medium" or "Broad"]."

The articles were alleged to be adulterated in that a valuable constituent, egg, had been in part omitted therefrom; in that artificially colored products