

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

deficient in egg had been substituted for egg noodles and egg alimentary paste; in that inferiority had been concealed through the addition of artificial color; and in that artificial color had been added thereto so as to make them appear better or of greater value than they were.

The egg noodles were alleged to be misbranded for the reason that the statement "Pure Egg Noodles" was false and misleading as applied to an article that was deficient in egg and contained artificial color; and for the further reason that they were offered for sale under the name of another food, "Egg Noodles."

On May 29, 1940, the claimant having withdrawn its appearance and having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

**1044. Adulteration of egg noodles. U. S. v. 28 and 35 Cases of Egg Noodles. Default decrees of condemnation and destruction. (F. D. C. Nos. 2260, 2261. Sample Nos. 16259-E, 16260-E.)**

This product contained an artificial color, turmeric.

On or about July 8, 1940, the United States attorney for the Western District of Missouri filed libels against 63 cases of egg noodles at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about May 9, 1940, by the Italian Macaroni Co. from Pittsburg, Kans.; and charging that it was adulterated. It was labeled in part: (Bags) "San Paolo Brand Egg Noodles \* \* \* Made of Fancy Patent Semolina, Fresh Eggs."

The article was alleged to be adulterated in that a substance containing artificial color, turmeric, had been substituted wholly or in part for egg noodles; and in that turmeric, an artificial color, had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

On October 24, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1045. Misbranding of Chinese noodles. U. S. v. 21 Cases of Chinese Noodles. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 1940. Sample No. 12045-E.)**

Examination showed that these packages were filled to only one-third of their capacity.

On May 9, 1940, the United States attorney for the District of Nevada filed a libel against 21 cases of Chinese noodles at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about March 30, 1940, by the Majestic Paste Co. from San Francisco, Calif.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: (Packages) "Chinese Noodles \* \* \* Majestic Brand."

On June 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1046. Misbranding of noodle soup mixture. U. S. v. 12 Cases containing 48 Packages of Noodle Soup Mixture. Default decree of condemnation and destruction. (F. D. C. No. 2219. Sample No. 9432-E.)**

This product was represented to be a mixture from which home-style noodle soup could be made. It contained, however, a vegetable protein derivative (monosodium glutamate), an artificial flavor, which was not declared as such and which is not employed in making home-made noodle soup. Moreover, its containers were larger than necessary, the contents occupying not more than 77 percent of their capacity.

On June 17, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 12 cases of noodle soup mixture at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 27, 1940, by the I. J. Grass Noodle Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: (Package) "Mrs. Grass' Home Style Noodle Soup Mixture contains \* \* \* Veg. Protein Derivative."

The article was alleged to be misbranded in that the statement on the labeling, "Home Style," was false and misleading as applied to an article containing monosodium glutamate, an artificial flavor not employed in home-made noodle soup; and in that it contained artificial flavoring and did not bear labeling