

stating that fact. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1047. Misbranding of noodle soup mixture. U. S. v. 75 Cases of Noodle Soup Mixture. Consent decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 1972. Sample No. 6478-E.)**

These packages contained noodles loosely placed in the box and a small bag of vegetable "concentrate" placed on top of the noodles. The contents occupied less than 70 percent of the volume of the package and the statement of the quantity of contents was inconspicuously placed on the back panel.

On May 15, 1940, the United States attorney for the District of Colorado filed a libel against 75 cases of noodle soup mixture at Denver, Colo., consigned by Ravarino-Freschi, Inc., alleging that the article had been shipped in interstate commerce on or about October 26, 1939, from St. Louis, Mo.; and charging that it was misbranded. It was labeled in part "Zoop."

The article was alleged to be misbranded in that its containers were so made, formed, and filled as to be misleading. It was alleged to be misbranded further in that the statement of the quantity of the contents required by law to appear on the label or labeling, 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 June 13, 1940, Ravarino-Freschi, Inc., having accepted service and authorized the taking of final decree, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**1048. Misbranding of noodle soup mixture. U. S. v. 200 Cases of "4 Minute Noodle Soup Mix." Default decree of condemnation and destruction. (F. D. C. No. 1958. Sample No. 13651-E.)**

This product was packed in a cardboard carton which contained a yellow wax paper envelope partially filled with noodle soup mix. The contents of the envelope, when emptied into the carton, occupied less than one-fourth of its capacity.

On May 11, 1940, the United States attorney for the Western District of Washington filed a libel against 200 cases of noodle soup mix at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, by Tenderoni, Inc., from Joliet, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On August 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## DAIRY PRODUCTS

### BUTTER

Nos. 1049 to 1061, inclusive, report the institution of criminal proceedings and the judgment entered, in actions based on shipments of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

**1049. Adulteration of butter. U. S. v. George I. Southard (Albin Creamery). Plea of guilty. Fine, \$20. (F. D. C. No. 2870. Sample No. 14726-E.)**

On January 21, 1941, the United States attorney for the District of Minnesota filed an information against George I. Southard, trading as the Albin Creamery at Sleepy Eye, Minn., alleging shipment on or about May 24, 1940, from the State of Minnesota into the State of Pennsylvania of a quantity of butter that was adulterated. It was labeled in part: (Boxes) "Frank Hellerick Co., Inc. \* \* \* Phila., Pa."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On January 21, 1941, a plea of guilty was entered by the defendant and a fine of \$20 was imposed.