

July 5, 1940, by the Chicago Macaroni Co. from Chicago, Ill.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Three Medals Elbow Macaroni [or "Spaghetti"]."

On October 1, 1940, claimant, Frank R. Green, trading as Maine Tea Co., Portland, Maine, having admitted the allegations of the libel, judgment of condemnation was entered, and the products were ordered released under bond conditioned that they be emptied from the containers and repacked or sold in bulk and that the containers be destroyed.

1223. Misbranding of spaghetti and macaroni. U. S. v. 4 Cases of Spaghetti and 31 Cases of Macaroni. Default decrees of condemnation and destruction. (F. D. C. Nos. 2423, 2424. Sample Nos. 15465-E, 15466-E.)

The spaghetti occupied on an average about 32 percent and the macaroni about 50 percent of the volume of the boxes in which they were packed.

On or about July 25, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 4 cases of spaghetti and 31 cases of macaroni at Paragould, Ark., alleging that the articles had been shipped in interstate commerce on or about June 5, 1940, by Mercurio Bros. Spaghetti Manufacturing Co. from St. Louis, Mo.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: (Boxes) "Big A Brand Spaghetti [or "Macaroni"]."

On October 22, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1224. Misbranding of spaghetti. U. S. v. 31 Cases of Spaghetti. Default decree of condemnation. Product distributed to charitable institutions. (F. D. C. No. 2319. Sample No. 9001-E.)

This product occupied only about 70 percent of the capacity of the package.

On July 8, 1940, the United States attorney for the Northern District of Florida filed a libel against 31 cases of spaghetti at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about May 18 and June 1, 1940, by the National Food Products Co. from New Orleans, La.; and charging that it was misbranded in that the containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Package) "Coupon Brand Spaghetti Distributed By The Lewis Bear Company, Inc., Pensacola, Florida."

On August 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions for use therein but not for sale.

1225. Misbranding of spaghetti. U. S. v. 82 Cases of Spaghetti. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2492. Sample No. 9897-E.)

This product was short of the declared weight, and its containers were deceptive since they were filled to only about 55 percent of their capacity.

On August 7, 1940, the United States attorney for the Western District of Louisiana filed a libel against 82 cases of spaghetti at Lake Charles, La., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by the Union Macaroni Manufacturing Co. from Beaumont, Tex.; and charging that it was misbranded. It was labeled in part: (Package) "Fresh Maid Spaghetti Net Weight 6 Ounces Calcasieu Macaroni Mfg. Co. Lake Charles, La."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 6 Ounces," was misleading; in that its containers were misleading; and in that the packages did not bear an accurate statement of the quantity of the contents.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1226. Misbranding of spaghetti dinner. U. S. v. 10 Cases, each containing 24 Cartons, of Spaghetti Dinner. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2224. Sample No. 10884-E.)

These cartons contained a box of spaghetti, a can of cheese, and a bottle of sauce. The spaghetti, which was wrapped in tissue paper, occupied less than 30 percent of the space of the box in which it was packed. The cheese occupied from 50 to 55 percent of the space in the can.

On June 17, 1940, the United States attorney for the District of New Jersey filed a libel against 10 cases of spaghetti dinner at Guttenberg, N. J., alleging

that the article had been shipped in interstate commerce on or about May 31, 1940, by Henri Foods, Inc., from Long Island City, N. Y.; 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) "Henry 10 Minute Spaghetti Dinner."

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1227. Misbranding of spaghetti dinner. U. S. v. 50 Cases of Spaghetti Dinner. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2357. Sample No. 33110-E.)

The carton in which this product was packed contained a wax paper envelope of grated cheese, a small bundle of spaghetti, and an unlabeled bottle of sauce. The outer carton and the bottle containing the sauce were not labeled in compliance with the requirements of the law and the spaghetti sauce was short of the weight declared on the carton.

On July 13, 1940, the United States attorney for the Southern District of New York filed a libel against 50 cases of spaghetti dinner at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 7, 1940, by Kurtz Bros. Corporation from Philadelphia, Pa.; and charging that it was misbranded. It was labeled in part: "Italian Chef Spaghetti Dinner * * * This package contains 8 Oz. Spaghetti—8 Oz. Avoir. Wt. Spaghetti Sauce— $\frac{1}{2}$ Oz. Italian Grated Cheese."

The article was alleged to be misbranded in that the statement "8 Oz. Avoir. Wt. Spaghetti Sauce" on the carton containing the spaghetti dinner, was false and misleading since the spaghetti sauce was short of the declared weight. Misbranding was alleged for the further reasons that the article was in package form and the carton did not bear an accurate statement of the quantity of the contents, and it did not bear the common or usual name of each and every ingredient contained therein. Misbranding was alleged for the further reason that the bottle containing the sauce was in package form and did not bear a label containing the name and place of business of the manufacturer, an accurate statement of the quantity of the contents, nor the common or usual name of each and every ingredient.

On July 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1228. Misbranding of egg noodle products. U. S. v. 13 and 23 Cartons of Egg Noodle Products. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2398. Sample Nos. 33159-E, 33160-E.)

These packages were filled, on an average, to only about 83 percent of their capacity.

On July 19, 1940, the United States attorney for the District of New Jersey filed libels against 36 cartons of egg noodle products, at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 6, 1940, by the Atlantic Macaroni Co., Inc., from Long Island City, N. Y.; 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: "Streit's Pure Egg Noodle Products * * * Distributed by A. Streit, Inc. New York."

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1229. Adulteration of egg noodles. U. S. v. 15, 15, and 33 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3041. Sample Nos. 32045-E, 32046-E, 32047-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. When such infestation occurred was not determined.

On September 17, 1940, the United States attorney for the Southern District of California filed a libel against 63 cases of egg noodles at Los Angeles, Calif. (consigned by the Golden Age Corporation), alleging that the article had been shipped in interstate commerce on or about November 3, 1938, and August 22, 1939, from Libertyville, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. All packages were labeled in part: "Golden Age Egg Noodles."

On October 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.