

have become contaminated with filth. The articles were labeled in part: "Vanilla Wafers," "Patsy Ann Toasted Oatmeal Cookies 24 for 10¢," or "Super Value Patsy Ann Cookies."

On February 2, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

4539. Misbranding of cookies. U. S. v. Rebecca Golden (Fashion Bakers). Plea of guilty. Fine, \$600. (F. D. C. No. 8797. Sample Nos. 18688-F to 18690-F, incl., 22622-F, 29045-F.)

On May 11, 1943, the United States attorney for the Eastern District of New York filed an information against Rebecca Golden, trading as Fashion Bakers, Brooklyn, N. Y., alleging shipment within the period from on or about October 7 to November 19, 1942, from the State of New York into the States of Connecticut, Georgia, and Pennsylvania of quantities of cookies that were misbranded. Portions of the articles were labeled in part: (Boxes) "Charlevoix Assortment by Fashion Bakers, Brooklyn, N. Y.," "Banquet Home Made Assortment 14 Oz. Net," "Petit Fours * * * 14 Oz. Net," or "French Butter [or "Better"] Cookies * * * 12 Oz. Net." The remainder bore a sticker label with the ingredient statement and weight, i. e., "2½ Lbs. Net Wt."

The articles were alleged to be misbranded in that they were in package form and their labels did not bear an accurate statement of the quantity of the contents in terms of weight. They were alleged to be misbranded further in that the statements "2 Lbs. Net Wt.," "14 Oz. Net," "2½ Lbs. Net Wt.," and "12 Oz. Net," borne on the labels, were false and misleading since the packages contained less than the amounts declared.

The Charlevoix Assortment and the French "Butter" and "Better" cookies were alleged to be misbranded further in that their containers were so made, formed, and filled as to be misleading, since the container of the Charlevoix Assortment had unnecessarily thick walls and the containers of both assortments had cellophane windows which showed certain sections which were well filled, while those sections of the containers that were not visible through the cellophane windows were not well filled, with the result that the purchasers would obtain smaller amounts of cookies than they were led to believe were contained in the packages.

The lot bearing the sticker label only was alleged to be misbranded further in that its container (tin) was so made, formed, and filled as to be misleading since by the use of excessive paper packing the tins contained fewer cookies than the purchasers would be led to believe were present in the tins by their outward appearance.

On June 2, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$600.

MISCELLANEOUS CEREAL PRODUCTS

4540. Adulteration and misbranding of Egg Fusillini. U. S. v. Silvio Bernaudo (Impero Fusilli Co.). Plea of guilty. Fine, \$1,000; and 4 months in jail on count 1, sentence suspended on remaining 7 counts, and defendant placed on probation for 2 years. (F. D. C. No. 8756. Sample Nos. 17024-F, 17326-F to 17328-F, incl.)

On April 3, 1943, the United States attorney for the Eastern District of New York filed an information against Silvio Bernaudo, trading as the Impero Fusilli Co., at Brooklyn, N. Y., alleging shipment within the period from on or about July 9 to September 2, 1942, from the State of New York into the State of New Jersey of quantities of alimentary paste that was adulterated and misbranded. The article was labeled in part: "Impero Made from No. 1 Semolina Fusillini All'uovo Egg Fusillini Made with pure Fresh Eggs."

The article was alleged to be adulterated (1) in that egg, a valuable constituent of egg alimentary paste, had been in part omitted; (2) in that artificially colored alimentary paste, containing materially less egg solids than egg alimentary paste should contain, had been substituted wholly or in part for egg alimentary paste; (3) in that its inferiority had been concealed by the addition of artificial color, which had been mixed or packed therewith so as to make it appear better and of greater value than it was; and (4) in that it contained a coal tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statements "Egg" and "All'uovo" were false and misleading, and (2) in that it contained artificial coloring and did not bear labeling stating that fact.