

On April 29, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 and 4 months in jail on the first count, and suspended sentence on the remaining 7 counts, placing the defendant on probation for 2 years.

4541. Adulteration of macaroni, spaghetti, and noodles. U. S. v. 37 Cases of Egg Noodles (and 3 additional lots of alimentary pastes). Default decree of condemnation and destruction. (F. D. C. No. 8724. Sample Nos. 14555-F to 14558-F, incl.)

These products contained beetles and larvae.

On November 27, 1942, the United States attorney for the District of Arizona filed a libel against 132½ cases of alimentary pastes at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce on or about June 9 and June 10, 1942, by the Kentucky Macaroni Co., from Wichita, Kans.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: (Bags) "Del Monico Brand * * * Pure Egg Noodles [or "Elbow Macaroni," "Elbow Spaghetti," or "Shell Macaroni"]."

On January 13, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

4542. Adulteration and misbranding of egg noodles. U. S. v. 180 Cases and 300 Cases of Egg Noodles. Decrees of condemnation. Portion of product ordered released under bond for relabeling. Remainder ordered destroyed. (F. D. C. Nos. 8860, 8861. Sample Nos. 1852-F, 24511-F.)

This product contained less than 5½ percent of egg solids.

On November 12 and November 14, 1942, the United States attorneys for the District of Maryland and the Northern District of Illinois filed libels against 180 20-pound cases of egg noodles at Perry Point, Md., and 300 20-pound cases at Hines, Ill., alleging that the article had been shipped in interstate commerce on or about September 14 and 16, 1942, by the Blue Ribbon Noodle Co., Inc., from Wilkes-Barre, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: (Shipping case) "Reeves Parvin Co. Medium Pure Egg Noodles."

It was alleged to be adulterated in that a valuable constituent, egg, had been in whole or in part omitted, and in that noodles, deficient in egg solids, had been substituted wholly or in part for egg noodles.

It was alleged to be misbranded in that the statement, "Pure Egg Noodles," borne on the label, was false and misleading as applied to an article that was deficient in egg solids and in that it was offered for sale under the name of another food, egg noodles.

On January 7, 1943, no claimant having appeared for the seizure located at Hines, Ill., judgment of condemnation was entered and the product was ordered destroyed. On March 25, 1943, Reeves Parvin & Co. having appeared for itself and on behalf of the Blue Ribbon Noodle Co., Inc., as claimant for the goods seized at Perry Point, Md., and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4543. Adulteration and misbranding of noodles. U. S. v. 551½ Cases of Noodles. Default decree of condemnation. Product ordered sold to highest bidder. (F. D. C. No. 8162. Sample No. 5940-F.)

On August 19, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 148 cases of noodles at St. Louis, Mo. On December 4, 1942, the libel was amended to cover a total of 281 cases, and on January 8, 1943, the libel was amended for the second time bringing the total to 551½ cases of noodles. It was alleged in the second amended libel that the article had been shipped in interstate commerce within the period from on or about April 14 to May 15, 1942, by National Foods, Inc., from Pittsburgh, Pa., and that it was adulterated and misbranded. A portion of the article was labeled in part: (Bags) "'Oodles' Plain Noodles."

The article was alleged to be adulterated in that a substance, egg, had been added thereto and mixed and packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the design of a farmer carrying a full basket of eggs and spearheads of wheat, appearing on the label of the article, was misleading since such design suggested that the article was made from wheat and eggs, whereas the article contained an inconsequential amount of eggs. It was alleged to be misbranded further in that the statement "Made of

"Finest Durum Flour and Eggs" was misleading as applied to an article containing less than 1 percent of eggs, since it failed to reveal the material fact that such percentage of eggs was inconsequential and did not impart the food value characteristic of an alimentary paste which purports to be an egg alimentary paste.

On February 26, 1943, no claimant having appeared, judgment of condemnation was entered and the marshal was ordered to sell the product after taking adequate precaution to prevent its being used in violation of the law.

4544. Adulteration of popcorn. U. S. v. 41 Bags of Popcorn. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 8993. Sample No. 12443-F.)

This product contained beetles, worms, insect fragments, insect excreta, and insect-cut corn.

On or about December 9, 1942, the United States attorney for the Western District of Washington filed a libel against 41 bags of popcorn at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about December 1, 1941, by the Albert Dickinson Co. from Nampa, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dickinson's Little Buster Pops Anywhere."

On January 14, 1943, the Tacoma Grocery Co., a corporation of Tacoma, Wash., 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 brought into compliance with the law under the supervision of the Food and Drug Administration.

4545. Adulteration of Matzos, Matzos meal, and cracker meal. U. S. v. 24 Cases of Matzos (and 3 other seizures of similar products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9803, 9804, 9844, 9876. Sample Nos. 23269-F to 23271-F, incl., 24800-F, 28947-F, 32507-F to 32509-F, incl.)

These products contained insect fragments, rodent hair fragments, larvae, hair fragments resembling rodent hairs, and rodent excreta.

On or about April 17, 19, 27, and May 1, 1943, the United States attorneys for the Northern District of Georgia, the District of New Jersey, the Eastern District of Virginia, and the Northern District of Ohio, filed libels against 24 cases, each containing 36 packages, and 174 separate packages of Matzos, 9 cases, each containing 24 packages, and 140 separate packages of Matzo meal, and 60 cases, each containing 24 packages, of cracker meal in various lots at Atlanta, Ga., Norma, N. J., Camp Pendleton, Va., and Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about March 18 to April 6, 1943, by B. C. Friedman & Co., from Philadelphia, Pa.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Matzos," "Matzo Meal," or "Philadelphia Cracker Meal * * * Philadelphia Cracker Meal Company, Philadelphia, Pa."

On May 11 and 29, and June 18 and 23, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4546. Adulteration and misbranding of cheese sandwiches. U. S. v. 36 Boxes of Cheese Sandwiches. Default decree of condemnation. Product destroyed. (F. D. C. No. 8360. Sample No. 22446-F.)

On September 16, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against 36 boxes, each containing 24 packages, of cheese sandwiches at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by King Kone Corporation from New York City, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Front of package) "Old London Cheese Sandwich."

The article was alleged to be adulterated (1) in that a valuable constituent, cheese, had been in whole or in part omitted; (2) in that a wafer sandwich containing a filling of cheese, cornstarch, edible oil other than butterfat, and artificial coloring, had been substituted wholly or in part for "Old London Cheese Sandwich"; (3) in that inferiority had been concealed by the addition of artificial coloring; and (4) in that edible oil other than butterfat, artificial coloring,