

**24938. Adulteration and misbranding of egg noodles, spaghetti, and macaroni.** U. S. v. 80 Boxes of Egg Noodles, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35478, 35495, 35501, 35504, 35514, 35521, 35522. Sample nos. 21984-B, 24546-B, 30237-B, 30238-B, 30239-B, 30609-B, 30610-B, 30611-B, 30612-B, 30625-B, 30815-B, 30817-B, 30821-B, 30822-B.)

These cases involved various shipments of alimentary paste which contained soybean meal and an added yellow coloring substance, turmeric.

On May 9, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 162 boxes of egg noodles and 41 boxes of spaghetti at Jersey City, N. J. On May 15, 17, 18, 21, and 23, 1935, libels were filed against 23 cartons of spaghetti and 41 boxes of egg noodles at Newark, N. J.; and 74 boxes of spaghetti at Perth Amboy, N. J.; 44 cases of spaghetti at New Haven, Conn.; 28 boxes of macaroni at Philadelphia, Pa.; and 26 boxes and 230 packages of macaroni and noodles at Scranton, Pa. The libels charged that the articles had been shipped in interstate commerce between the dates of February 25 and May 1, 1935, by the Atlantic Macaroni Co., Inc., from Long Island City, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Caruso Brand Pure Egg Noodles [or "Spaghetti"] \* \* \* The Atlantic Macaroni Co., Inc., Long Island City, N. Y."; "Parodi None Better Spaghetti"; "Spaghetтини"; "Dolsun Brand Spaghetti"; "La Napolitana Brand Macaroni"; "Alimentary Paste Cavilli Brand High Grade Macaroni"; "Capellini No. 1 Semolina"; "Mostaccioli Rigati \* \* \* No. 1 Semolina"; "Pure Egg Noodles"; "Pure Egg Products No Artificial Coloring"; "Pure Egg Flakes [or "Broad", "Medium", or "Barley"]."

The articles, with the exception of one lot of spaghetti, were alleged to be adulterated in that products containing soybean meal and an added color, turmeric, had been substituted for spaghetti, macaroni, and egg noodles; and for the further reason that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to mixtures of spaghetti, macaroni, or egg noodles containing soybean meal and added coloring matter: "Pure Egg", "Noodles", "Pure Egg Noodles", "For those Who Want the Best", "Spaghetti", "Caruso Spaghetti and Egg Noodles", "Spaghetti", "The Acme of Perfection", "None Better Spaghetti Made of a Blend of Flour and Semolina", "Spaghetтини \* \* \* Made of a blend of flour and semolina", "Macaroni", "Alimentary Paste \* \* \* High Grade Macaroni", "No. 1 Semolina", "Mostaccioli Rigati", "Pure Egg Products \* \* \* No Artificial Coloring", "Egg and Farina Products", "Pure Egg Flakes", "Pure Egg Broad", "Pure Egg Medium", and "Pure Egg Barley."

On June 28, July 13, July 23, and September 30, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24939. Misbranding of canned peas.** U. S. v. 241 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35479. Sample no. 23838-B.)

This case involved an interstate shipment of canned peas which fell below the standard established by this Department because of the presence of an excessive percentage of ruptured peas, and which were not labeled to indicate that they were substandard.

On May 10, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 241 cases of canned peas at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by Francis H. Leggett & Co., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Park Hall Brand Early June Peas \* \* \* Packed by G. L. Webster Company, Incorporated, Cheriton, Virginia."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of immature peas as shown by the excessive