22275. Misbranding of noodles. U. S. v. 150 Cases of Noodles. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32034. Sample no. 66579-A.)

Sample cans of noodles taken from the shipment in this case were found to contain less than 5 ounces, the weight declared on the label.

On February 27, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of noodles at Denver, Colo., consigned by the La Choy Food Products Inc., Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 11, 1934, from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 5 oz. La Choy Chow Mein Noodles La Choy Food Products, Inc. Detroit, Mich."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 5 Oz.", was false and misleading and deceived and misled the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1934, the La Choy Food Products, Inc. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $958.08, conditioned that it be repacked or relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22276. Misbranding of canned peas. U. S. v. 250 Cases of Canned Peas. Product adjudged misbranded. Released under bond to be relabeled. (F. & D. no. 30377. Sample no. 30433-A.)

This case involved a shipment of canned peas which fell below the standard of fill of container established by the Secretary of Agriculture, and which were not labeled to show that they were slack filled.

On May 1, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of canned peas at Harrisonburg, Va., alleging that the article had been shipped in interstate commerce on or about October 17, 1932, by the Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olympia Early June Peas * * * Packed by Phillips Packing Co., Inc., Cambridge, Md."

It was alleged in the libel that the article was misbranded in that it was canned food, and fell below the standard of fill of container promulgated by the Secretary of Agriculture, in that it was slack-filled because of excessive added liquid, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On April 21, 1934, the Phillips Packing Co., Inc., claimant, having admitted the allegations of the libel, and having consented that judgment be entered for the forfeiture of the property, a decree was entered finding that the product was misbranded, and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of $750, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22277. Adulteration of butter. U. S. v. 40 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32007. Sample no. 61948-A.)

Samples of butter taken from the shipment involved in this case were found to contain fragments of fly bodies, wings, bristles, vegetable and nondescript debris, small splinters, fragments of hen feathers, rodent hairs, coal, sand, and a maggot.

On February 20, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of butter at Arabi, La., alleging that the article had been shipped in interstate commerce on or about February 3, 1934, by the Cloverleaf Butter Co., from Birmingham, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Cloverleaf Brand Process Butter."