Wayne, Ind., alleging that the article had been shipped within the period from on or about July 7, 1939, to on or about August 17, 1939, by the Chicago Macaroni Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Tufarelli No. 46" or "Italy Brand Macaroni," or "Big 3."

On December 14, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

366. Adulteration and misbranding of egg noodles. U. S. v. 6 Cases and 15 Cases of Egg Noodles. Default decrees of condemnation, forfeiture, and destruction. (F. D. C. Nos. 296, 297. Sample Nos. 65338-D, 65339-D.)

This product was found to be deficient in egg and to contain artificial color.

On July 18, 1939, the United States attorney for the Northern District of Ohio filed libels against 6 cases each containing 12 packages, and 15 cases each containing 24 packages of Gold Medal Brand Pure Egg Noodles, at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about March 23, 1939, by the Vienna Egg Noodle & Food Co. from Buffalo, N. Y.; and charging that it was adulterated and misbranded.

The article in each case was alleged to be adulterated in that a valuable constituent, egg, had been in part omitted therefrom; in that artificially colored products deficient in egg had been substituted for egg noodles; in that inferiority had been concealed through the addition of artificial color; and in that artificial color had been added thereto so as to make the articles appear better or of greater value than they were.

The article in each case was alleged to be misbranded in that the statement "Pure Egg Noodles" was false and misleading when applied to articles that were deficient in egg and that contained artificial color; and in that the article was offered for sale under the name of another product, egg noodles.

On September 1, 1939, no claimants having appeared, decrees of condemnation and forfeiture were entered and the article was ordered destroyed.

367. Misbranding of macaroni. U. S. v. 31 Cases of Macaroni. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 984. Sample No. 79074-D.)

The containers of this product were filled to about 80 percent of their capacity.

On November 18, 1939, the United States attorney for the Western District of South Carolina filed a libel against 31 cases of macaroni at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about September 22, 1939, by National Food Products Co. from New Orleans, La.; and charging that it was misbranded in that its containers were so made, formed, and filled as to be misleading. The article was labeled in part: "Patriot Brand Ready Cut Macaroni * * * J. Cusimano & Co., New Orleans, La."

On January 11, 1940, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed or in lieu thereof that it be delivered to a charitable institution if found to be in good condition.

368. Misbranding of macaroni and spaghetti. U. S. v. 130 Cases of Macaroni, and 73 Cases of Spaghetti. Default decree of condemnation. Products delivered to charitable institutions. (F. D. C. No. 857. Sample Nos. 74064-D, 74065-D.)

The containers of these products were misleading since the contents occupied only about one-half of the available space in the package.

On or about November 6, 1939, the United States attorney for the District of Rhode Island filed a libel against 203 cases of macaroni and spaghetti at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about October 13, 1939, by Prince Macaroni Manufacturing Co. from Boston, Mass.; 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: "White Spray Macaroni * * * Manufactured under license from Millbrook Products Co., Somerville, Mass."; and "White Spray Spaghetti * * * Distributed by First National Stores, Inc., Somerville, Mass."

On December 26, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions.