

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.

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