On January 24, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered for use by a government institution.

5766. Adulteration and misbranding of chicken noodle soup mix. U. S. v. 24 Cases of Chicken Noodle Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 12494. Sample No. 75812–F.)

Examination of the product failed to show the presence of meat fibers. Chicken noodle soup is understood to be an article containing chicken extractives in addition to chicken fat.

On June 2, 1944, the United States attorney for the Western District of New York filed a libel against 24 cases, each containing 24 packages, of chicken noodle soup mix at Buffalo, N. Y., alleging that the article had been shipped on or about March 28, 1944, by the Weiss Noodle Co., from Cleveland, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Packages) "Mrs. Weiss' Home Style Chicken Noodle Soup Mix With Chicken Fat * * * Delicious Chicken Noodle Soup In A Jiffy."

The article was alleged to be adulterated in that a valuable constituent, chicken extractives, had been in whole or in part omitted; and in that a substance which consisted of noodles, vegetable oil, chicken fat, salt, artificial flavor, dehydrated vegetables, and seasoning had been substituted for a product which should have contained chicken extractives.

The article was alleged to be misbranded in that the statements, "Home Style Chicken Noodle Soup Mix," and "Delicious Chicken Noodle Soup In A Jiffy," were false and misleading as applied to an article which contained no chicken extractives other than fat; and in that it contained artificial flavoring and failed to bear labeling stating that fact.

On June 26, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5767. Misbranding of bean soup mix and pea soup mix. U. S. v. 351 Cases and 7 Cases of Bean Soup Mix, and 205 Cases and 14 Cases of Pea Soup Mix. Consent decree of condemnation. Product ordered released under bond for relabeling or repackaging. (F. D. C. No. 10931. Sample No. 11875–F.)

These products were contained in waxed paper bags and the bean soup mix occupied only 49 percent and the pea soup mix only 41 percent of the volume of the cardboard boxes in which they were packed.

On October 14, 1943, the United States attorney for the Northern District of California filed a libel against the above-named products at Berkeley, Calif., alleging that the articles had been shipped in interstate commerce on or about August 5 and September 1, 1943, by Louis Milani Foods, Inc., from Chicago, Ill.; and charging that they were misbranded in that their containers were so filled as to be misleading. They were labeled in part: (Package) "Milani's Dehydrated Bean Soup Mix with Bacon [or "Pea Soup Mix"]."

On November 30, 1943, Louis Milani Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling or repackaging under the supervision of the Food and Drug Administration.

5768. Misbranding of soup mixes. U. S. v. 14 Cases of Soup Mixes. Default decree of condemnation. Products ordered delivered to a charitable institution. (F. D. C. No. 10824. Sample Nos. 12895–F, 12896–F.)

On September 29, 1943, the United States attorney for the District of Oregon filed a libel against 14 cases, each containing 60 cartons, of soup mixes (7 cases of soup mix vegetable and 7 cases of soup mix potato) at Medford, Oreg., alleging that the articles had been shipped on or about June 19, 1943, by Treasure Island Food Products from Oakland, Calif.; and charging that it was misbranded in that the cartons, which measured about 4 x 3 x 1 inch, contained a cellophane bag partially filled with soup mixture and the container was so filled as to be misleading in that the vegetable soup mix occupied only 50 percent and the potato soup mix, 56 percent, of the volume of the carton. The article was labeled in part: (Carton) "Treasure Island Soup Mix."

On November 4, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to a charitable institution.