

the district court a libel praying seizure and condemnation of seven tubs of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce in part on or about October 12, 1938, from Cedar Rapids, Iowa, and in part on or about January 18, 1939, from Chicago, Ill., by Miles Freedman; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law.

On February 3, 1939, Miles Freedman having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned so that it comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30273. Adulteration of canned shrimp. U. S. v. 24½ Cases of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44429. Sample No. 39761.)

This product was in whole or in part decomposed.

On November 28, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24½ cases of canned shrimp at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about October 7, 1938, by the J. H. Pelham Co. from Pascagoula, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30274. Adulteration and misbranding of Punch-Ade. U. S. v. 21 Cases of Punch-Ade. Default decree of condemnation and destruction. (F. & D. No. 39883. Sample Nos. 21001-C to 21007-C, inclusive.)

These products were labeled to convey the impression that they could be used as bases for fruitade. Examination showed that they were artificially colored acid solutions containing little or no fruit juices; that some contained citrus-oil flavor and others, artificial flavor.

On June 21, 1937, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of Punch-Ade of assorted flavors at White River Junction, Vt.; alleging that the articles had been shipped in interstate commerce on or about April 26 and 27, 1937, by Snow Crest Beverages, Inc., from Salem, Mass.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Beats All Punch-Ade * * * Snow Crest, Salem, Mass."

They were alleged to be adulterated in that artificially colored acid solutions, containing artificial flavor or citrus-oil flavor, and little or no fruit juices, had been substituted wholly or in part for the articles; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to articles that contained little or no fruit juices, "Punch-Ade Raspberry [or "Cherry," "Grape," "Strawberry," "Orange," "Lemon," or "Lemon-Lime"] Flavor"; and in that they were imitations of other articles.

On August 29, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30275. Adulteration and misbranding of chocolate-flavored malted milk. U. S. v. The Euclid Coffee Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 39824. Sample Nos. 46379-C, 48720-C, 56101-C, 56102-C, 56123-C, 56124-C, 56125-C.)

This product was represented to be chocolate-flavored malted milk, whereas it contained little or no malted milk.

On January 22, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against the Euclid Coffee Co., a corporation, Cleveland, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about May 20, 1937, to on or about July 7, 1937, from the State of Ohio into the States of Pennsylvania and Missouri, of quantities of chocolate-flavored malted milk that was adulterated and misbranded. Portions were labeled: "Taste Rite Chocolate Flavored Malted Milk. * * * The Euclid Coffee Company, Cleveland, Ohio." The remainder was labeled: "Fyne Taste Chocolate Flavored Malted Milk * * * Distributed by Union Premier Stores, Inc. Philadelphia, Pa."

The article was alleged to be adulterated in that a product which contained no malted milk in some instances and little, if any, in others had been substituted for chocolate-flavored malted milk, which it purported to be.

It was alleged to be misbranded in that the statements on the labels, "Chocolate Flavored Malted Milk * * * a blend of the finest grades of malted milk," with respect to portions, and "Choc. Flavored * * * [or "Chocolate Flavored"] Malted Milk," with respect to the remainder, were false and misleading and were borne on the labels so as to deceive and mislead the purchaser, since they represented that the article consisted wholly of chocolate-flavored malted milk and in certain instances that it was a blend of the finest grades of malted milk; whereas it contained little or no malted milk.

On February 3, 1939, a plea of nolo contendere having been entered, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30276. Adulteration of canned shrimp. U. S. v. 49 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44764. Sample No. 59572-D.)

This product was found to be in whole or in part decomposed.

On February 1, 1939, the United States attorney for the Southern 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 49 cases of canned shrimp at New York, N. Y.; alleging that the article had been shipped on or about October 1, 1937, from Risor, Norway, by Olav Flekke; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A-La-Carte Brand Choicest Norwegian Cocktail Shrimps."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30277. Adulteration of cracked wheat. U. S. v. 142 Bags of Cracked Wheat. Default decree of condemnation and destruction. (F. & D. No. 44867. Sample No. 27001-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to have a cresollike odor and taste. In some samples cresol was found.

On February 23, 1939, the United States attorney for the Southern 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 142 bags of cracked wheat at New York, N. Y.; alleging that the article had been shipped on or about November 7, 1938, from Fresno, Calif., by the California Sun Dry Boulgour Co.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that cresol had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality, and had been substituted in part therefor.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30278. Adulteration of lobster tails. U. S. v. 150 Pounds of Captail Brand Tails Langouste. Default decree of condemnation and destruction. (F. & D. No. 44688. Sample No. 58921-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part decomposed.