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.