30293. Adulteration of frozen whole eggs. U. S. v. 30 Cans of Whole Eggs. Default decree of condemnation and destruction. (F. & D. No. 44480. Sample No. 12134–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.

On December 6, 1938, the United States attorney for the Eastern 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 30 cans of whole eggs at Brooklyn, N. Y.; alleging that the article had been shipped on or about November 15, 1938, by Belzer Egg Products Co. from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part; "Whole Eggs."

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

On February 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30294. Adulteration and misbranding of butter. U. S. v. Yorkshire Creamery Co. Plea of guilty. Fine, $50 and costs. (F. & D. No. 40796. Sample Nos. 35336–C, 35338–C.)

This product contained less than 80 percent of milk fat.

On April 30, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yorkshire Creamery Co., a corporation trading at Bruce, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 20 and 26, 1937, from the State of Mississippi into the State of Tennessee of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Riverdale Brand [or "Morrell's Yorkshire Farm Brand"] Creamery Butter * * * Distributed by John Morrell & Co. Ottumwa, Iowa."

It 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 by weight of milk fat, as prescribed by act of March 4, 1923.

It was alleged to be misbranded in that the statement "Butter," borne on the cases, cartons, and wrappers, was false and misleading, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it contained a less amount.

On December 9, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

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

30295. Adulteration and misbranding of tomato catsup. U. S. v. 156 Bottles of Horse-Shoe Brand Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 42214. Sample No. 9278–D.)

This product was found to contain added apple pulp.

On April 21, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 156 bottles of tomato catsup at Biloxi, Miss.; alleging that the article had been shipped in interstate commerce on or about April 1, 1938, by the Horse-Shoe Pickle Works, Ltd., New Orleans, La.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Horse-Shoe Brand Tomato Catsup."

Adulteration was alleged in that a substance containing apple pulp had been substituted wholly or in part for tomato catsup, which the article purported to be.

Misbranding was alleged in that the statement "Tomato Catsup" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained apple pulp. It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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