

The product was alleged to be adulterated in that it consisted in whole or in part of a decomposed and filthy vegetable substance.

On May 9, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**30533. Adulteration and misbranding of butter. U. S. v. 42 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 45182. Sample No. 57613-D.)**

This product contained less than 80 percent of milk fat.

On March 24, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 cubes of butter at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about March 17, 1939, by Brooklawn Creamery Co. from Beaver, Utah; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing 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 provided by act of March 4, 1923.

Misbranding was alleged in that the statement "Sweet Cream Butter," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product which contained less than 80 percent of milk fat.

On April 14, 1939, the Brooklawn Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to legal standard under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**30534. Adulteration of frozen eggs. U. S. v. Ralph Hurst & Co. Plea of guilty. Fine, \$10. (F. & D. No. 42696. Sample No. 25613-D.)**

This product was in part decomposed.

On April 14, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ralph Hurst & Co., a corporation, Kansas City, Mo., alleging shipment by said defendant on or about September 3, 1938, from the State of Missouri into the State of New Jersey, of a quantity of frozen eggs that were adulterated in violation of the Food and Drugs Act.

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

On May 8, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**30535. Adulteration of flour. U. S. v. 1,812 Bags of Flour. Portion of product (76 bags) ordered forfeited and released under bond. Remainder released unconditionally. (F. & D. No. 44325. Sample No. 34521-D.)**

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination a portion was found to be insect-infested.

On or about November 22, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,812 bags of flour at Wilmington, N. C.; alleging that the article had been shipped on or about July 14, 1938, by Fisher Flouring Mills Co. from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Red Tag Flour."

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

On December 13, 1938, 1,485 bags of flour having been seized, the Fisher Flouring Mills Co. filed a claim and an answer denying that the flour was adulterated. A subsequent investigation disclosed that the flour was from two different shipments and that but 76 of the bags seized were covered by the libel. On April 18, 1939, the court ordered that the 1,409 bags that were not covered by the libel be delivered to the claimant. On the same date, the claimant having consented, judgment of forfeiture was entered with respect to the

remaining 76 bags and they were ordered released under bond conditioned that they be disposed of in compliance with the law. They were denatured and disposed of for hog feed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**30536. Adulteration and misbranding of chicory. U. S. v. 98 Bags of Chicory (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44822, 44832. Sample Nos. 34961-D, 34962-D, 34963-D, 49628-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 contain insect fragments. Two lots were also short weight.

On February 9 and 14, 1939, the United States attorneys for the Eastern District of Louisiana and the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of ninety-eight 150-pound bags of chicory at New Orleans, La., and 16½ cases, each containing a number of packages of chicory, at Baltimore, Md. The libels alleged that 7½ cases of the product had been shipped on or about April 13, 1937, by Seggerman Nixon Corporation from the warehouse of Heinr. Franck Sons, Inc., from Corona, N. Y., to Baltimore, Md.; that the remainder had been shipped by Heinr. Franck Sons, Inc., in part from Hoboken, N. J., into the State of Louisiana on or about December 31, 1938, and in part from Corona, N. Y., into the State of Maryland on or about January 13, 1939; and that it was adulterated and that portions were misbranded in violation of the Food and Drugs Act as amended. The product contained in the bags was labeled: "No O Dark R&G Chicory \* \* \* From Heinr. Franck Sons Inc." The remainder was labeled: "Franck Chicory Net Weight 6¾ Ozs. Heinr. Franck Sons, Inc." The remainder of the packages were labeled: "Chicory Scheuer Brand Contents 2 Ounces [or "3¾ Ounces"] \* \* \* Manufactured by Hein. Franck Sons Inc. Flushing New York \* \* \* Seggerman Nixon Corp. Sole Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Portions of the article were alleged to be misbranded in that the statements, "Contents 2 Ounces" and "Contents 3¾ Ounces," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 3 and May 11, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**30537. Adulteration of frozen fish fillets. U. S. v. 50 Boxes and 70 Boxes of Fish Fillets. Default decree of condemnation and destruction. (F. & D. Nos. 45134, 45135. Sample Nos. 40937-D, 40938-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 be in whole or in part decomposed.

On April 6, 1939, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 120 boxes of fish fillets at Albuquerque, N. Mex.; alleging that the article had been shipped on or about January 5, 1939, by Mid-Central Fish Co. from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choice Pakt Fillets A Bspakt Product" and "Nordic Fillet Finest Quality."

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

On May 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*