

30538. Adulteration and misbranding of butter. U. S. v. Missouri Valley Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 42701. Sample No. 38979-D.)

This product contained less than 80 percent of milk fat.

On May 11, 1939, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Missouri Valley Creamery Co., a corporation, Washington, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about October 29, 1938, to on or about November 4, 1938, from the State of Missouri into the State of Illinois, of quantities of butter that was adulterated and misbranded.

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 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, was false and misleading since it represented that the article was butter, to wit, a product which should contain not less than 80 percent by weight of milk fat; whereas it did not contain 80 percent by weight of milk fat, but did contain a less amount.

On May 18, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

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

30539. Adulteration of potato ferment. U. S. v. 23 Sacks of Potato Ferment. Default decree of condemnation and destruction. (F. & D. No. 44997. Sample No. 39677-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 insect-infested.

On March 14, 1939, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 sacks of potato ferment at Portland, Ore.; alleging that the article had been shipped on or about January 30, 1939, by Falk Products Co. from Glendale, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Falk Natural Potato Ferment."

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

On May 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30540. Adulteration of tullibeas. U. S. v. 22 Boxes of Tullibeas. Default decree of condemnation and destruction. (F. & D. No. 45205. Sample No. 48140-D.)

This product was infested with parasitic worms.

On April 17, 1939, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 boxes of tullibeas at Green Bay, Wis.; alleging that the article had been shipped on or about January 26, 1939, by the Viking Fish Co. from Winnipeg, Canada; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Product of Canada."

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

On May 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30541. Adulteration of frozen grayling. U. S. v. Five Boxes of Frozen Grayling. Default decree of condemnation and destruction. (F. & D. No. 45118. Sample No. 39682-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 decomposed.

On March 29, 1939, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel