milk at East Orange, N. J.; alleging that the article had been shipped in interstate commerce on or about March 28, 1939, by the Ewing Von Allmen Dairy Co. from Findley, Ohio; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "American House Evaporated Milk * * * Manufactured by Ewing Von Allmen Dairy Co."

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

On August 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30763. Adulteration of tomato paste. U. S. v. Fredonia Salsina Canning Co., Inc., and Anthony A. Gugino. Pleas of guilty. Fines of $150 imposed against each defendant. Payment of fine imposed upon Anthony A. Gugino suspended. (F. & D. No. 42676. Sample No. 24090–D.)

Samples of this product were found to contain excessive mold.

On April 3, 1939, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fredonia Salsina Canning Co., Inc., Fredonia, N. Y., and Anthony A. Gugino, president and treasurer of the company, alleging shipment by said defendants in violation of the Food and Drugs Act on or about July 30, 1938, from the State of New York into the State of Ohio of a quantity of tomato paste which was adulterated. The article was labeled in part: "Sky Lark Brand Tomato Paste."

It was alleged to be adulterated in that it consisted in part of a decomposed and filthy vegetable substance, namely, tomato paste which contained excessive mold.

On July 24, 1939, pleas of guilty having been entered on behalf of the defendants, the court sentenced each to pay a fine of $150, but suspended payment of the fine imposed on Anthony A. Gugino.

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

30764. Adulteration of butter. U. S. v. 136 Cartons of Butter. Consent decree of condemnation and destruction. (F. & D. No. 45102. Sample No. 45239–D.)

This product contained filth.

On March 11, 1939, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136 cartons of butter at Tallahassee, Fla.; alleging that the article had been shipped in interstate commerce on or about March 3, 1939, from Tifton, Ga., by Armour & Co., Inc.; and charging adulteration in violation of the Food and Drugs Act. Armour & Co., Inc., held an instrument signed by R. C. Wilson, owner of the Tifton Ice Cream & Creamery Co., from whom it purchased this article, which guaranteed that the product was not adulterated nor misbranded within the meaning of the Food and Drugs Act. The article was labeled in part: "Spring Brook Brand Creamery Butter. * * * Distributed by Armour Creameries."

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

On April 1, 1939, Armour & Co., Inc., and R. C. Wilson filed a joint answer admitting the allegations of the libel but denying that the butter belonged to Armour & Co., Inc., and averring that the owner was R. C. Wilson. On April 19, 1939, the said R. C. Wilson having consented to the entry of a decree and having agreed to pay costs of the proceedings and to surrender all claim to the butter, judgment of condemnation was entered and it was ordered that the product be destroyed and that costs be taxed against claimants. All costs were paid by R. C. Wilson.

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

30765. Adulteration of frozen whole eggs. U. S. v. 100 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. & D. No. 44752. Sample Nos. 36782–D, 36783–D, 43604–D.)

This product had been shipped in interstate commerce and remained unsold and in the original unbroken packages. At the time of examination it was found to be in whole or in part decomposed.

On January 31, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cans of frozen whole eggs at San Francisco, Calif.; alleging that the article had been shipped on or about November 3, 1938, by the Market Produce Co. from Shreveport, La.; and charging adulteration in violation of the Food and Drugs Act.

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

On July 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30766. Adulteration of rice. U. S. v. 64 Bags of Rice. Default decree of condemnation and destruction. (F. & D. No. 44996. Sample Nos. 43640–D, 43641–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 contain rodent excreta.

On March 9, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 bags of rice at San Francisco, Calif.; alleging that the article had been shipped on or about October 13, 1938, by the Pfeffer Rice Milling Co., Inc., from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. P. Texas Patna Rice."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On July 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30767. Adulteration of butter. U. S. v. Three Tubs of Butter. Default decree of condemnation. Product delivered to charitable institution. (F. & D. No. 45526. Sample No. 26880–D.)

This product contained less than 80 percent of milk fat.

On June 17, 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 three tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 10, 1939, by the Farmers Creamery Co., from Dows, Iowa; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated 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 of milk fat as provided by the act of March 4, 1923.

On July 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

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

30768. Adulteration of whitefish caviar. U. S. v. 257 Jars of Whitefish Caviar. Default decree of condemnation and destruction. (F. & D. No. 42459. Sample No. 33808–D.)

Samples of this product were found to contain parasitic worms and fish bones.

On May 25, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 257 jars of whitefish caviar at Quantico, Va.; alleging that the article had been shipped in interstate commerce on or about March 23, 1938, by Vita Food Products, Inc., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choisa White Fish Caviar * * * packed expressly for S. S. Pierce Co., Boston."

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

On July 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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