

to an article which, in addition to wheat products, contained a considerable amount of cassava meal; and in that the statement "Red Dog" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which, in addition to wheat flour and tissues, contained considerable amounts of rye flour and tissues, and cassava meal, since "Red Dog" means a wheat byproduct and not a byproduct of other grains. The articles were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles.

On January 30, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

30832. Adulteration of frozen fish. U. S. v. 20,000 Pounds of H & G Whiting (and 3 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 44982, 45024, 45187, 45188, 45425. Sample Nos. 37374-D, 43509-D, 43510-D, 53506-D, 57805-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were found to be in part decomposed.

On various dates between March 8 and April 13, 1939, the United States attorneys for the Eastern District of Missouri, District of Nebraska, Western District of Washington, and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 20,000 pounds of whiting at St. Louis, Mo., 1,312 boxes of whiting at Grand Island, Nebr., 68 cases of haddock fillets and 57 cases of skinless fillets at Seattle, Wash., and 261 cases of pollack fillets at Los Angeles, Calif. The libels alleged that the lots at Seattle, Wash., had been shipped from Gloucester, Mass., to San Francisco, Calif., on or about November 22, 1937, and August 20, 1938, by the Gorton-Pew Fisheries Co., Ltd., and had been reshipped to Seattle on or about April 5, 1939, by the Merchants Ice & Cold Storage Co.; that the remaining lots had been shipped by the Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass., to the point where seized within the period from on or about January 4, 1938, to on or about February 27, 1939, and that the article was adulterated in violation of the Food and Drugs Act. Certain lots were labeled in part: "H & G Whiting," "Gorton's Fresh Frosted Fillets Haddock," "Gorton's Fancy Skinless Fillets," and "Clipper Brand Skinless Pollock Fillets."

The articles were alleged to be adulterated in that they consisted wholly or in part of decomposed animal substances.

On March 30, and June 7, 12, and 26, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

30833. Adulteration of butter. U. S. v. 33 Tubs and 19 Tubs of Butter. Consent decree of condemnation. Product released under bond for denaturing or reworking. (F. & D. Nos. 44755, 44817. Sample Nos. 54112-D, 54113-D.)

This product contained less than 80 percent of milk fat; a portion also contained added mineral oil.

On January 11 and 13, 1939, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 27 and September 23, 1938, by Salt City Creamery from Hutchinson, Kans.; and charging adulteration in violation of the Food and Drugs Act.

Both lots were 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 milk fat as provided by act of March 4, 1923. One lot was alleged to be adulterated further in that mineral oil had been substituted in part for butterfat.

On March 2, 1939, Salt City Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured or reworked as required. The butter that was low in milk fat and not otherwise adulterated was reworked to the legal

standard, and the butter containing mineral oil was converted into inedible grease.

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

30834. Misbranding of canned tomatoes. U. S. v. 498 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42124. Sample No. 10907-D.)

This product was substandard because of the presence of excessive peel, and it was not labeled to indicate that it was substandard.

On April 5, 1938, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 498 cases of canned tomatoes at Nashville, Tenn.; alleging that the article had been shipped in interstate commerce on or about October 1, 1937, by Pekin Packing Co. from Pekin, Ind.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Washington County Brand Hand Packed Tomatoes."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the tomatoes were not peeled in accordance with said standard, the average amount of peel per pound of net contents exceeding 1 square inch, and its labels did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On June 15, 1939, C. B. Ragland & Co., Nashville, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in compliance with the law.

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

30835. Adulteration of maple sirup. U. S. v. 82 Drums and 43 Drums of Maple Sirup. Decrees ordering product released under bond to be deleaded. (F. & D. Nos. 45369, 45370. Sample Nos. 60015-D, 60016-D.)

This product contained lead.

On May 22, 1939, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 125 drums of maple sirup at St. Albans, Vt.; alleging that the article had been shipped in interstate commerce on or about May 8, 1939, by Fairfield Farms Maple Co. from Croghan, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 5, 1939, John Brigham, St. Albans, Vt., claimant, having admitted the allegations of the libels, judgments were entered ordering that the product be released under bond conditioned that it be deleaded in order to remove the deleterious ingredient.

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

30836. Adulteration of maple sirup. U. S. v. 69 Drums of Maple Sirup. Decree of condemnation. Product ordered released under bond to be deleaded. (F. & D. No. 45436. Sample Nos. 60012-D, 68947-D.)

This product contained lead in an amount which might have rendered it injurious to health.

On June 1, 1939, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 drums of maple sirup at St. Albans, Vt.; alleging that the article had been shipped in interstate commerce on or about May 6, 1939, by American Maple Products Corporation from Canton, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 6, 1939, American Maple Products Corporation, 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 deleaded in order to remove the deleterious ingredient.

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