30867. Adulteration of tullibees. U. S. v. Six Boxes of Tullibees. Consent decree of condemnation and destruction. (F. & D. No. 45286. Sample No. 54389–D.)

This product was infested with parasitic worms.

On April 11, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of tullibees at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 1, 1939, by Chas. P. Tobin, Baudette, Minn.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy, decomposed, or putrid animal substance; and that it consisted of portions of animals unfit for food.

On April 26, 1939, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered converted into fertilizer.

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

30868. Adulteration of tomato paste. U. S. v. 681 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond conditioned that unfit portion be destroyed. (F. & D. No. 45158. Sample Nos. 20366–D, 42116–D.)

Samples of this product were found to contain worm and insect fragments.

On April 6, 1939, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 681 cases of tomato paste, in part at Dunmore, Pa., and in part at Scranton, Pa.; alleging that the article had been shipped in interstate commerce on or about January 11, 1939, by the Uddo Taormina Corporation from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Doma Brand Tomato Paste * * * Packed in California for Doma Importing Co., Dunmore, Pa."

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

On September 15, 1939, the Uddo Taormina Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that certain codes be destroyed and that the remainder be released under bond conditioned that any part thereof found to comply with the law be released unconditionally and that the unfit portion be destroyed.

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

30869. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Shawnee Milling Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 42744. Sample No. 3918–D.)

Brown shorts and screenings had been substituted wholly or in part for wheat gray shorts and screenings in this product. It also contained crude fiber in excess of the amount declared on the label.

On August 30, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shawnee Milling Co., a corporation of Shawnee, Okla., alleging shipment by said company in violation of the Food and Drugs Act on or about November 8, 1938, from the State of Oklahoma into the State of Texas of a quantity of wheat gray shorts and screenings that were adulterated and misbranded.

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings, which it purported to be.

It was alleged to be misbranded in that the statements, "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6 percent," borne on the tag attached to the sacks containing it, were false and misleading and were borne on the said tags so as to deceive and mislead the purchaser, since it did not consist of wheat gray shorts and screenings, but did consist in whole or in part of wheat brown shorts and screenings and it contained more than 6 percent, namely, not less than 7.22 percent, of crude fiber.

On September 16, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $25 and costs.

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