29916. Adulteration of ocean perch fillets. U. S. v. 362 Boxes of Ocean Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 44247. Sample No. 34704–D.)

This product contained parasites.

On October 27, 1938, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 362 boxes of ocean perch fillets at Charleston, W. Va.; alleging that the article had been shipped in interstate commerce on or about September 15, 1938, by Commonwealth Ice & Cold Storage from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Layer-Pack Gorton's Ocean Perch Fillets Gorton-Pew Fisheries Co. Ltd. Gloucester, Mass."

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

On November 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29917. Adulteration of apples. U. S. v. 202 Crates of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44491. Sample No. 46019–D.)

This product was contaminated with arsenic and lead.

On November 7, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 crates of apples at Fort Wayne, Ind.; alleging that the article had been shipped in interstate commerce on or about October 31, 1938, from South Haven, Mich., by Bernstein Bros. to themselves at Fort Wayne, Ind.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 10, 1938, the owner having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

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

29918. Adulteration and misbranding of butter. U. S. v. 55 Boxes and 44 Boxes of Butter. Consolidated decree of condemnation. Product released under bond to be reconditioned. (F. & D. Nos. 44521, 44522. Sample Nos. 41646–D, 41648–D.)

This case involved butter which contained less than 80 percent by weight of milk fat.

On December 8, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about November 30, 1938, by Falls City Creamery Co. from Falls City, Nebr.; and charging adulteration and misbranding 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 by weight of milk fat.

It was alleged to be misbranded in that it was labeled "Butter," which statement was false and misleading.

On December 9, 1938, C. J. Heyd & Co. having appeared as claimant, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of this Department.

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

29919. Adulteration of scallops. U. S. v. 1 Barrel of Scallops. Default decree of condemnation and destruction. (F. & D. No. 44410. Sample No. 44668–D.)

This product contained added water.

On November 17, 1938, 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 one barrel of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 14, 1938, by Holmes & Co. from Panama City, Fla.; and charging adulteration in violation of the Food and Drugs Act.