29585. Adulteration of macaroni. U. S. v. 17 Cartons of Macaroni. Default decree of condemnation and destruction. (F. & D. No. 43441. Sample No. 38409–D.)

This product having been shipped in interstate commerce and remaining unsold in the original packages, was at the time of examination found to be insect-infested.

On August 22, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 packages of macaroni at Little Rock, Ark.; alleging that the article had been shipped on or about July 22, 1938, by the Domino Macaroni Co. from Springfield, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Great Scott Long Macaroni."

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

On September 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29586. Adulteration and misbranding of butter. U. S. v. Armour & Co. of Delaware (Armour Creameries). Plea of nolo contendere. Fine, $300. (F. & D. No. 40756. Sample Nos. 53311–C, 53318–C, 53320–C.)

This product contained less than 80 percent of milk fat.

On March 21, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co. of Delaware, trading as Armour Creameries at Meridian, Miss., alleging shipment by said company in violation of the Food and Drugs Act, within the period from on or about July 12 to on or about July 27, 1937, from the State of Mississippi into the State of Alabama, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Armour's Star * * * Quality Cloverbloom Butter."

It 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, which the article purported to be.

The article was alleged to be misbranded in that the statement "Butter" was false and misleading since it represented that the said article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it contained a less amount.

On September 21, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $300.

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

29587. Adulteration and misbranding of butter. U. S. v. 330 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44204. Sample No. 21807–D.)

This product contained less than 80 percent of milk fat.

On September 7, 1938, 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 330 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 21, 1938, by McIlhaney Creamery Co. from Lubbock, Tex.; 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 of milk fat, as provided by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled butter, which was false and misleading since it contained less than 80 percent of milk fat.

On September 22, 1938, the Peter Fox Sons Co., Chicago, Ill., 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 reworked under the supervision of this Department so as to comply with the law.

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