products in part at North Arlington, N. J., and in part at Boston, Mass.; alleging that the articles had been shipped in interstate commerce from Brooklyn, N. Y., the former on or about June 2, 1938, in the name of Pyramid Malt Corporation, and the latter on or about June 8, 1938, in the name of Pyramid Malt Co.; and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Royal Banner Chocolate Flavored Malt and Milk [or "Malted Milk"] * * * Pyramid Malt Corporation, Brooklyn, N. Y."

Misbranding was alleged in that the following statements, (malt and milk) "Malt and Milk a Blend of * * * Malt and Milk Cocoa and Cane Sugar * * * Substitute for Tea or Coffee * * * Malt and Milk," and (malted milk) "Chocolate Flavored Malted Milk * * * a Blend of * * * Malted Milk Cocoa and Cane Sugar," borne on the labels, were false and misleading and tended to deceive and mislead purchasers when applied in the former instance to a product containing little, if any, whole-milk solids or little, if any, extractive matter from malt and, in the latter instance to a product containing cane sugar, dextrose, cocoa, and only 20 percent of malted milk.

On October 10 and October 31, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

29634. Adulteration of tullibees. U. S. v. 29 Boxes and 22 Boxes of Tullibees. Default decrees of condemnation and destruction. (F. & D. Nos. 44206, 44207. Sample Nos. 13047–D, 13049–D.)

This product was infested with parasitic worms.

On October 5 and 10, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 boxes of tullibees at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 1 and 4, 1938, by the Selvog Fish Co. from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On October 20 and 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29635. Adulteration and misbranding of horseradish. U. S. v. 17 Gallon Jars of Horseradish. Default decree of condemnation and destruction. (F. & D. No. 42992. Sample No. 25475–D.)

This product was represented to be horseradish, but in fact consisted of foreign plant tissue, principally parsnip, with no horseradish tissue present. Furthermore, the quantity of contents was not declared.

On or about June 29, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 gallon jars of horseradish at New Haven, Conn.; alleging that the article had been shipped in interstate commerce on or about June 7, 1938, by New Jersey Empire Pickle Works, Inc., from Newark, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was unlabeled.

Adulteration was alleged in that a substance consisting principally of ground parsnips and containing no horseradish tissue had been substituted wholly or in part for horseradish. Misbranding was alleged in that the article was offered for sale under the distinctive name of another article, namely, horseradish. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package.

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

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