and in others of horseradish and parsnips. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the distinctive name of another article. Certain lots of the article were alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 4 and October 31, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29651. Misbranding of Marshak's Mixit. U. S. v. 46¾ Dozen Jars of Marshak's Mixit. Default decree of condemnation and destruction. (F. & D. No. 43879. Sample No. 26422-D.)

This product was labeled to indicate that it contained an appreciable amount of malted milk; whereas it was found to consist of a chocolate-flavored sugar and dextrose sirup, containing a very small amount of, if any, malted milk. The quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about September 15, 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 46¾ dozen jars of Marshak's Mixit at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about August 10, 1938, by Marshak Maltmolak Co., Inc., from Brooklyn, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marshak's Mixit * * * 19 oz. Net Avdp. Marshak Co., Brooklyn, N. Y."

Misbranding was alleged in that the statement on the label, "Contains Sugar, Cocoa and Malted Milk Chocolate Malted Milk," was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of sugar, dextrose, cocoa, and water, containing little or no malted milk. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package and was not in terms of the largest unit.

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

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

29652. Adulteration of cauliflower. U. S. v. 497 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. No. 44205. Sample No. 26587-D.)

This product was contaminated with arsenic.

On October 6, 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 497 crates of cauliflower at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about September 25, 1938, by C. Taketa from Fir, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Portland Rose Brand Cauliflower."

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

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

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

29653. Adulteration of tullibees. U. S. v. 11 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. No. 44209. Sample No. 13051-D.)

This product was infested with parasitic worms.

On October 10, 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 11 boxes of tullibees at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 4, 1938, by Booth Fisheries Corporation from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lake of the Woods Tullibees."

It was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.