

28930. Adulteration of cashew nuts. U. S. v. 232 Boxes of Cashew Nuts. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 41324. Sample No. 9523-C.)

This product was in part worm-infested.

On January 4, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 232 boxes of cashew nuts at Jersey City, N. J., alleging that the article had been imported by Wood & Selick, Inc., on or about December 4, 1935, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 5, 1938, Wood & Selick, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed.

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

28931. Adulteration of candy. U. S. v. 9 Cases of Candy. Default decree of condemnation. Product destroyed. (F. & D. No. 40866. Sample No. 61165-C.)

This product contained insect fragments and dirt.

On November 18, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of candy at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about July 6, 1937, from Louisville, Ky., by Bradas & Gheens, Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Assorted Jellies Bradas & Gheens, Louisville, Ky."

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

On May 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in the manner provided by law. It was destroyed by the United States marshal.

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

28932. Adulteration of butter. U. S. v. Southern Butter Co. Plea of guilty. Fine, \$125. (F. & D. No. 40799. Sample Nos. 46745-C, 49506-C, 60427-C, 60428-C, 60431-C.)

This product contained less than 80 percent of milk fat.

On April 25, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southern Butter Co., a corporation, Muskogee, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 2; 9, 18, and 30, and September 7, 1937, from the State of Oklahoma into the State of Illinois of quantities of butter which was adulterated.

The article 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 of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On May 2, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$125.

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

28933. Adulteration of fish roe. U. S. v. 3 Barrels of Fish Roe. Default decree of condemnation and destruction. (F. & D. No. 41995. Sample No. 7515-D.)

This product contained parasitic worms and fish scales.

On March 19, 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 three barrels of fish roe at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 3, 1938, from Two Rivers, Wis., by LaFond Fisheries, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On April 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28934. Adulteration and misbranding of macaroni products. U. S. v. 99 Cases of Spaghetti (and 7 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41862 to 41865, incl., 41924, 41925, 42027, 42028. Sample Nos. 14863-D to 14867-D, incl., 14869-D, 14870-D.)

Certain lots of these products were labeled to indicate that they were made entirely of semolina, whereas they consisted in part of flour. A portion of the same lots and the remaining lots contained artificial color. In addition, one lot was deficient in egg solids.

On March 10, 11, and 23, 1938, the United States attorney for the District of Idaho, acting upon reports by the Secretary of Agriculture, filed in the district court eight libels praying seizure and condemnation of 273 cases and 13 boxes of macaroni products at Wallace, Idaho, alleging that the articles had been shipped in interstate commerce on various dates between July 6, 1936, and January 25, 1938, from Seattle, Wash., by Favro Macaroni Manufacturing Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Handy Pack Superior Quality"; "Favro Finest Quality * * * Favro Macaroni Mfg. Co., Seattle"; "Cragnano Style * * * Mfg. by Favro Macaroni Co., Seattle, Portland."

Certain lots of the articles were alleged to be adulterated in that flour had been substituted in whole or in part for semolina, which the articles purported to be. A portion of the same lots and the remaining lots were alleged to be adulterated in that they were colored in a manner whereby inferiority was concealed. One lot was alleged to be adulterated further in that an artificially colored article deficient in eggs had been substituted in whole or in part for egg noodles, which the article purported to be.

Misbranding was alleged in that the following statements appearing on the labels of the various lots were false and misleading and tended to deceive and mislead the purchaser: The statement "Pure Egg Noodles" when applied to an article that was artificially colored and was deficient in egg solids; the statement "Egg Noodles" when applied to an article that was artificially colored; the statements "Superior Quality Hard Wheat Flour Elbow Spaghetti [or other macaroni product]," when applied to articles containing artificial coal-tar color; the statements, "100% A-1 Durum Semolina Coil Ribbons [or other macaroni product]," when applied to articles that were mixtures of semolina and flour; the statements, "100% A-1 Semolina Coil Vermicelli [or other macaroni product]," and "Macaroni Natural Color 100% A-1 Semolina * * * 100% A-1 Semolina Perciatelli [or "Mezzani"]," when applied to articles that contained artificial color and were mixtures of semolina and flour.

On April 4 and May 23, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28935. Adulteration and misbranding of honey; misbranding of preserves. U. S. v. George W. Bagwell. Plea of nolo contendere. Fine, \$150. (F. & D. No. 40754. Sample Nos. 15747-C to 15750-C, incl., 43601-C, 43615-C, 43616-C.)

Both products were short weight, and the honey was adulterated with glucose.

On January 29, 1938, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George W. Bagwell, trading at Chattanooga, Tenn., alleging shipment by the said defendant in violation of the Food and Drugs Act as amended, on various dates between May 13 and August 7, 1937, from the State of Tennessee into the State of Georgia of quantities of honey which was adulterated and misbranded, and preserves which were misbranded. The articles were labeled in part: "G-W Brand Preserves [or "Honey"] * * * Packed by G. W. Bagwell, Chattanooga, Tenn."

The honey was alleged to be adulterated in that a product composed in part of glucose had been substituted for honey, which it purported to be.

Both products were alleged to be misbranded in that the statements, "Honey" and "Net Wt. 4½ Lbs." or "Net Wt. 2 lbs." on the labels of the honey, and "Net Wt. 16 Ozs." on the label of the preserves, were false and misleading and were