

**30652. Adulteration of corn meal. U. S. v. 197 Bags of Corn Meal. Default decree of condemnation and destruction. (F. & D. No. 43840. Sample No. 30613-D.)**

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be insect-infested.

On September 17, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197 bags of corn meal at Big Spring, Tex.; alleging that the article had been shipped on or about July 29, 1938, from St. Joseph, Mo., by Quaker Oats Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Aunt Jemima White Cream Corn Meal."

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

On May 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30653. Adulteration and misbranding of frozen egg yolks, and misbranding of frozen whole eggs. U. S. v. Nye & Nissen, Inc. Plea of guilty. Fine, \$60. (F. & D. No. 42693. Sample Nos. 18133-D, 18134-D.)**

Samples of the frozen egg yolks were found to contain excessive whites and undeclared added sugar. Samples of the frozen whole eggs were found to contain undeclared added sugar.

On March 30, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nye & Nissen, Inc., San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on May 13, 1938, from the State of California into the Territory of Hawaii, of quantities of frozen egg yolks that were adulterated and misbranded and frozen whole eggs that were misbranded.

The frozen egg yolks were alleged to be adulterated in that substances, namely, egg yolk, egg whites, and sugar, had been substituted for a product consisting of egg yolk, which the article purported to be. Misbranding of the frozen egg yolks was alleged in that the statement "Yolks," borne on the cans, was false and misleading since it represented that the article consisted of egg yolk; whereas it did not consist of egg yolk, but did consist in part of excessive egg whites and added sugar; and said statement was borne on the cans so as to deceive and mislead the purchaser.

The frozen whole eggs were alleged to be misbranded in that the statement "Whole," borne on the cans, was false and misleading since it represented that the article consisted entirely of whole eggs; whereas it did not consist of whole eggs, but did consist in part of added sugar; and said statement was borne on the cans so as to deceive and mislead the purchaser.

On May 15, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$60.

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

**30654. Adulteration of shad. U. S. v. 324 Cases of Shad (and 2 similar seizure actions). Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. Nos. 43923, 43924, 44000, 44001, 44002, 44003. Sample Nos. 33979-D, 37081-D, 37082-D.)**

Samples of this product were found to be decomposed.

On September 21 and 30, 1938, the United States attorneys for the Eastern and the Western Districts of Virginia, acting upon reports by the Secretary of Agriculture, filed in their respective districts courts three libels praying seizure and condemnation of 802 cases of canned shad at Norfolk, Va., and 650 cases of canned shad at Lynchburg, Va.; alleging that the article had been shipped in interstate commerce on or about August 22 and 26 and September 23, 1938, from Oakland and from San Francisco, Calif., by F. E. Booth Co., Inc.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Crescent Brand Spring Pack Shad."

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

On December 14, 1938, and January 31, 1939, C. P. Door having appeared as claimant and having admitted the allegations of the libels, judgments of con-

demnation were entered and the product was ordered released under bond conditioned that the unfit portions be segregated and destroyed.

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

**30655. Adulteration of walnut meats. U. S. v. Sunset Nut Shelling Co. Plea of guilty. Fine, \$5.** (F. & D. No. 42717. Sample Nos. 36080-D, 43223-D to 43226-D, inclusive.)

This product contained an excessive amount of insect-infested, moldy, and rancid nuts.

On May 16, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sunset Nut Shelling Co., a corporation, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on or about October 18, 26, and 28, 1938, from the State of California into the States of Washington and Oregon, of quantities of walnut meats which were adulterated.

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

On May 17, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$5.

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

**30656. Adulteration of crab meat. U. S. v. Spencer Bros., Inc. Plea of guilty. Fine, \$40.** (F. & D. No. 42639. Sample Nos. 34268-D, 34269-D, 34270-D.)

Samples of this product were found to contain evidence of the presence of filth.

On April 18, 1939, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Spencer Bros., Inc., Cape Charles, Va., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 10, 1938, from the State of Virginia into the State of Pennsylvania of quantities of crab meat which was adulterated.

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

On May 1, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$40.

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

**30657. Adulteration of canned grapefruit. U. S. v. 300 Cases of Canned Grapefruit. Consent decree of condemnation. Product ordered released under bond.** (F. & D. No. 45232. Sample No. 50980-D.)

Samples of this product were found to be undergoing yeasty fermentation.

On April 25, 1939, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned grapefruit at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about February 15, 1939, from Tampa, Fla., by H. A. Shaver, Inc., of Lakeland, Fla.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Floridan Brand Grape Fruit in Syrup."

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

On June 12, 1939, L. D. Bernstein, trading as National Distributors, Seattle, Wash., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it not be disposed of contrary to law.

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

**30658. Adulteration and misbranding of relish. U. S. v. 29 Bottles of Relish. Default decree of condemnation and destruction.** (F. & D. No. 44933. Sample No. 42118-D.)

This product contained saccharin, which had been substituted in part for sugar as the sweetening agent. Moreover, its label failed to bear a correct declaration of the quantity of contents since it was contained in gallon-sized bottles labeled "1 Quart."

On March 2, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court