

It was alleged to be misbranded in that the statements appearing on the label, "Endorsed by the U. S. Dept. of Agriculture, Washington, D. C. * * * Original Powdered Milk of Soya Bean * * * It is Especially Valuable for infant feeding and ranks closely to Mother's milk or better * * * Rich in Vitamins," were false and misleading since they were incorrect.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs reported in drug and device notices of judgment.

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1337. Misbranding of vinegar. U. S. v. 30 Cases of Vinegar. Default decree of destruction. (F. D. C. No. 3125. Sample No. 39290-E.)

This product was short of the declared volume.

On or about October 5, 1940, the United States attorney for the Western District of Missouri filed a libel against 30 cases of vinegar at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about August 8 and 22, 1940, by Gregory-Robinson-Speas, Inc., from Rogers, Ark.; and charging that it was misbranded. The article was labeled in part: (Jars) "Knockout Brand Contents 1 quart."

The article was alleged to be misbranded in that the statement "Contents 1 quart" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 2, 1940, no claimant having appeared, judgment was entered ordering that the product be destroyed.

POULTRY

1338. Adulteration of poultry. U. S. v. Edward Aaron, Inc., Edward Aaron, and Harold S. Kander. Pleas of guilty. Fine, \$100 and costs. (F. D. C. No. 2099. Sample No. 66510-D.)

This product consisted in whole or in part of diseased poultry.

On August 12, 1940, the United States attorney for the District of Nebraska filed an information against Edward Aaron, Inc., Omaha, Nebr., and Edward Aaron, and Harold S. Kander, alleging shipment on or about November 3, 1939, from the State of Nebraska into the State of Missouri of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On November 12, 1940, pleas of guilty having been entered, the court sentenced the defendants to pay a fine of \$100 jointly together with costs.

1339. Adulteration of poultry. U. S. v. Marion Poultry Co. Plea of guilty. Fine, \$200. (F. D. C. No. 2105. Sample No. 46903-D.)

Water had been injected into the poultry involved in this action. Diseased birds also were present.

On October 1, 1940, the United States attorney for the Southern District of Indiana filed an information against the Marion Poultry Co., a corporation, Indianapolis, Ind., alleging that on or about September 27, 1939, the defendant introduced and delivered for introduction in interstate commerce, i. e., delivered to a warehouse at Indianapolis, Ind., to be held there for shipment from Indianapolis, Ind., to Chicago, Ill., a quantity of poultry that was adulterated.

The article was alleged to be adulterated in that it consisted in whole and in part of the product of diseased animals, namely, diseased poultry; and in that a substance, water, had been substituted in whole and in part for the article and had been added thereto so as to increase its bulk or weight.

On November 2, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

1340. Adulteration of turkeys and other poultry. U. S. v. Hoerman Packing Co. and F. Carroll Conklin. Pleas of guilty. Joint fine of \$25 and costs. (F. D. C. No. 2080. Sample Nos. 85709-D, 85713-D.)

On August 17, 1940, the United States attorney for the District of Kansas filed an information against the Hoerman Packing Co., a corporation, and F. Carroll Conklin, at Linn, Kans., alleging shipment on or about December 15 and 27, 1939, from the State of Kansas into the State of New York, of a quantity of turkeys and poultry that were adulterated in that they were in whole or in part the products of diseased animals, namely, diseased turkeys or diseased poultry.

On November 20, 1940, pleas of guilty having been entered, the defendants were jointly fined \$25 with costs.

1341. Adulteration of turkeys. U. S. v. Hugh A. Pruitt (Pruitt Produce Co.).
Plea of nolo contendere. Fine, \$50. (F. D. C. No. 953. Sample Nos. 86306-D, 86307-D.)

These turkeys were in whole or in part diseased, emaciated, or decomposed.

On May 20, 1940, the United States attorney for the Eastern District of Oklahoma filed an information against Hugh A. Pruitt, trading as the Pruitt Produce Co., Ardmore, Okla., alleging shipment on or about November 17 and November 20, 1939, from the State of Oklahoma into the State of New York, of quantities of turkeys that were adulterated.

The article was alleged to be adulterated in that it was in whole or in part the product of diseased animals, i. e., diseased and emaciated turkeys; and in that it consisted in part of a decomposed substance.

On October 15, 1940, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

1342. Adulteration of poultry. U. S. v. 2 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3268. Sample No. 34463-E.)

This product was in whole or in part diseased poultry, or poultry that had died otherwise than by slaughter.

On October 23, 1940, the United States attorney for the Southern District of New York filed a libel against two barrels of poultry at Bronx, N. Y., alleging that the article had been shipped in interstate commerce on or about October 11, 1940, by the Cranbury Poultry Co. from Cranbury, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1343. Adulteration of poultry. U. S. v. 4 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3323. Sample No. 34467-E.)

Examination showed the presence of diseased birds in this shipment.

On November 2, 1940, the United States attorney for the Southern District of New York filed a libel against four boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 18, 1940, by the Henderson Produce Co. from Monroe City, Mo.; and charging that it was adulterated in that it was in whole or in part the product of a diseased animal.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1344. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3334. Sample No. 34468-E.)

Examination showed the presence of diseased birds in this shipment.

On November 4, 1940, the United States attorney for the Southern District of New York filed a libel against one barrel of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19, 1940, by the Iowa Poultry Producers Marketing Association from Ottumwa, Iowa; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1345. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3163. Sample No. 34461-E.)

Examination showed the presence of decomposed and diseased birds in this shipment.

On October 8, 1940, the United States attorney for the Southern District of New York filed a libel against one barrel of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 28, 1940, by the Prairie Produce Co., Inc., from Elkader, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.