

percent of protein, samples from each of the two shipments having been found to contain 33.38 percent and 38.56 percent, respectively, of protein.

On December 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**2856. Misbranding of peanut meal. U. S. v. 216 Bags of Peanut Meal. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 5973. Sample No. 18677-E.)

This product contained less crude protein than the proportion declared on the label.

On October 4, 1941, the United States attorney for the District of Maryland filed a libel against 216 bags of peanut meal at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17, 1941, by Wilmington Oil & Fertilizer Co. from Wilmington, N. C.; and charging that it was misbranded. The product was labeled in part: (Tags) "100 Lbs. Net Peco Brand Peanut Meal Manufactured by Wilmington Oil and Fertilizer Co. Wilmington, N. C. Guaranteed Analysis: Protein Not Less than 41.00%."

It was alleged to be misbranded in that the statement "Protein not less than 41%" was false and misleading as applied to an article that contained not more than 38.62 percent of crude protein.

On October 17, 1941, George F. Obrecht Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2857. Adulteration and misbranding of Codroil. U. S. v. 20 Drums of Codroil. Default decree of condemnation ordering that the product be relabeled and sold as ordinary feed.** (F. D. C. No. 4400. Sample No. 29068-E.)

This product was represented to contain 3.71 percent of cod-liver-oil extract containing 4,833 units of vitamin A per gram, which would indicate that the product contained 179 units of vitamin A per gram; whereas examination showed that it contained only 88 units of vitamin A per gram. Furthermore, no statement of contents appeared on the container.

On April 19, 1941, the United States attorney for the Northern District of Ohio filed a libel against 20 drums, each containing 100 pounds, of Codroil at Ashland, Ohio, alleging that the article had been shipped in interstate commerce by Pho-So-Ash Products Corporation from Kendallville, Ind., on or about February 10, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin A, had been wholly or in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the following statement on the label was false since it was incorrect, "Ingredients—Cod liver oil extract 3.71 per cent (4833 units vitamin A per gram \* \* \*)"; and (2) in that the package (drum) did not bear an accurate statement of the quantity of contents.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 571.

On July 3, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be relabeled and sold as ordinary feed.

**2858. Misbranding of Pro-Gro. U. S. v. 3 10-Pound, 3 25-Pound, and 1 335-Pound Containers of Pro-Gro. Consent decree of condemnation and destruction.** (F. D. C. Nos. 4379, 4380. Sample Nos. 43876-E, 43877-E.)

The labeled portion of this product bore false and misleading claims regarding its efficacy as an egg and meat producer, and the unlabeled portion failed to bear the name and address of the manufacturer, packer, or distributor. Both portions also failed to bear the required quantity of contents and active ingredient statements.

On April 21, 1941, the United States attorney for the District of Kansas filed a libel against the above-named product at Ottawa, Kans., alleging that it had been shipped by the Pro-Gro Co. from Kansas City, Mo., on or about January 28, 1941; and charging that it was misbranded. With the exception of the portion contained in one of the 10-pound containers, the article was unlabeled.

The labeled portion of the article was alleged to be misbranded in that the statements, "Pro—Produces More Eggs! Gro—Grows More Meat! Poultry Supplement Fertility . . . Vitality," were false and misleading since they represented that it would be efficacious for the purposes recommended, whereas it would not be efficacious for such purposes; and in that the name "Pro-Gro," a

combination of letters, was a false and misleading device which was interpreted to mean that the article would produce more eggs and grow more meat. Both the labeled and the unlabeled portions were alleged to be misbranded in that the article was in package form and the label failed to bear (1) a statement of the common or usual names of the active ingredients, and (2) an accurate statement of the quantity of contents. The portion in the unlabeled containers was alleged to be misbranded further in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 596.

On June 21, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

## DAIRY PRODUCTS

### BUTTER

**2859. Adulteration and misbranding of butter. U. S. v. 2½ Cases of Butter. Default decree of destruction.** (F. D. C. No. 6178. Sample No. 64175-E.)

This product was short weight, in addition to containing filth.

On October 11, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 2½ cases, each containing 32 1-pound prints, of butter at Warwood, W. Va., alleging that the article had been shipped on or about July 3, 17, and 24, 1941, by Armour & Co. from Columbus, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: (Prints) "Spring Brook Brand Creamery Butter, Armour Creameries, Distributors, \* \* \* Chicago, Ill."

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

It was alleged to be misbranded in that the prints did not contain 1 pound net, as labeled.

On December 10, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

Nos. 2860 to 2864 report the seizure and disposition of butter that was found to contain mold.

**2860. Adulteration of butter. U. S. v. 14 27/32 Cases and 34 20/32 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be destroyed or reworked.** (F. D. C. No. 6329. Sample Nos. 73296-E, 73297-E.)

A portion of this product contained excessive mold, and the remainder was deficient in milk fat.

On or about November 22, 1941, the United States attorney for the District of Kansas filed a libel against 48 cases, each containing 32 pounds, and 27 and 20 loose pounds, of butter at Kansas City, Kans., alleging that the article had been shipped on or about October 27 and November 3, 1941, by Clinton Butter Co. from Clinton, Mo.; and charging that it was adulterated. It was labeled in part: "Cudahy's Sunlight Creamery Butter The Cudahy Packing Co. Distributors \* \* \* Chicago, Ill."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The remainder was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On December 19, 1941, Clinton Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or reworked. That portion which was deficient in milk fat was reworked, and the remainder was destroyed.

**2861. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6529. Sample No. 56992-E.)

On November 15, 1941, the United States attorney for the Southern District of New York filed a libel against 8 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November