Dream Cake Co., Charleston, W. Va., alleging shipment on or about July 15 and August 7, 1941, from the State of West Virginia into the State of Indiana of a quantity of cake that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Barbara Ann 5¢ Cake," and "Silver Dream Cake."

On May 23, 1942, the defendant having entered a plea of nolo contendere, the court placed the defendant on probation for 3 years.

**3451. Adulteration of cookies. U. S. v. 32 Packages and 44 Cases of Vanilla Wafers. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7519, 7520. Sample Nos. 71393–E, 71394–E.)

Examination showed that this product contained rodent hairs.

On May 15, 1942, the United States attorney for the Western District of Tennessee filed libels against 32 packages each containing 12 boxes, and 44 cases each containing 4 packages of 12 boxes each, of vanilla wafers at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about April 15, 1942, by Thomas & Clarke from Peoria, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Carr's Vanilla Wafers."

On June 17, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3452. Adulteration of tortillas. U. S. v. 5 Cases of Tortillas. Consent decree of condemnation and destruction.** (F. D. C. No. 7155. Sample No. 81758–E.)

This product contained insect fragments.

On April 15, 1942, the United States attorney for the District of Colorado filed a libel against 5 cases, each containing 18 1½-pound cans, of tortillas at Denver, Colo., which had been consigned by Ashley's, alleging that the article had been shipped in interstate commerce on or about March 12, 1942, from El Paso, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Ashley's Brand Fine Mexican Foods—Tortillas."

On May 6, 1942, Ashley's having signed an acceptance of service and authorizations for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

## COD-LIVER OIL PREPARATION FOR POULTRY

**3453. Misbranding of Sea-Clo-400–D. U. S. v. 2 Cans of Sea-Clo-400–D. Default decree of condemnation and destruction.** (F. D. C. No. 6255. Sample No. 50347–E.)

This product was represented as a satisfactory substitute for poultry cod-liver oil, which representation was misleading since it did not contain vitamins A and D in the same proportion as found in pure cod-liver oil.

On November 21, 1941, the United States attorney for the District of Maryland filed a libel against the above-named product at Middleburg, Md., alleging that it had been shipped on or about September 13, 1941, by Seaboard Supply Co., Inc., from Philadelphia, Pa.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements on the label, "Sea-Clo-400-D, Highly Fortified Cod Liver Oil in Dry Base. Directions: In place of each 4¾ lbs. straight 85 D oil use 1 lb Sea-Clo-400–D. For each 5 pints 85 D oil used replace with 1 lb. Sea-Clo-400–D. Turkeys: Use three times the amount recommended for poultry under average conditions. Ingredients: Fortified cod liver oil. When this product is packed it contains more than 1000 Units Vitamin 'A' per gram . . . due to uncertain stability of Vitamin 'A' from cod liver oil when added to feeds we are making no claim for it," were misleading since they gave the impression that it was a substitute for cod-liver oil and possessed essentially the same values when used in accordance with the directions for use; whereas it was not a substitute for cod-liver oil and did not contain essentially the same values when used in accordance with such directions since the proportion of vitamin A to vitamin D furnished when so used, was substantially less than that furnished by straight cod-liver oil.

The article also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 645.

On January 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.