

On March 24 and 30, 1943, the United States attorneys for the Districts of Maine, Rhode Island, and New Hampshire filed libels against 251 cartons of imitation butter at Portland, Maine, 9 cases at Providence, R. I., and 117 cartons at Manchester, N. H., alleging that the article had been shipped in interstate commerce within the period from on or about March 15 to 17, 1943, by H. P. Hood & Sons from Charlestown, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Net Weight—One Pound Hood's Creamery Pack Contains Butterfat and Milk Solids, obtained from cream and milk, with color, stabilizer and salt added."

The article was alleged to be adulterated (1) in that it purported to be butter and a valuable constituent, fat, had been in whole or in part omitted therefrom; (2) in that water had been substituted in part for butterfat; (3) in that inferiority had been concealed by the addition of gum and gelatin; and (4) in that water had been added thereto or mixed or packed therewith so as to increase its weight and reduce its quality.

It was alleged to be misbranded (1) in that the name "Creamery Pack" was false and misleading as applied to the article; (2) in that it was an imitation of another food, butter, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (3) in that its label failed to bear the common or usual name of the food; and (4) in that it had been fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On April 9, 1943, the cases instituted in the Districts of New Hampshire and Rhode Island were transferred to the District of Maine and consolidated with the lot seized at Auburn, Maine. On July 13, 1943, the consolidated cases and the case involving the lot seized at Portland, Maine, were called and heard and, the claimant having assented, judgments of condemnation were entered and the product was ordered sold to a rendering plant.

**4981. Adulteration of oleomargarine. U. S. v. 31 Cases of Vegetable Oleomargarine. Default decree of condemnation and destruction.** (F. D. C. No. 9176. Sample No. 7098-F.)

On January 12, 1943, the United States attorney for the Southern District of Illinois filed a libel against 31 cases, each containing 32 cartons, of oleomargarine at Granite City, Ill., alleging that the article had been shipped in interstate commerce on or about December 19, 1942, by the Blanton Co., St. Louis, Mo.; and charging that it was misbranded in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity has been prescribed by regulation promulgated pursuant to law, and it failed to conform to such definition and standard since it contained less than 80 percent of fat. The article was labeled in part: (Carton) "Packed for Tri-City Grocery Co. Granite City, Illinois."

On March 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## EGGS

**4982. Adulteration of whole eggs. U. S. v. Marshall Kirby & Co. Plea of guilty. Fine, \$200.** (F. D. C. No. 7672. Sample No. 84220-E.)

On February 10, 1943, the United States attorney for the Southern District of Indiana filed an information against Marshall Kirby & Co., a corporation, at Terre Haute, Ind., alleging shipment on or about December 5, 1941, from the State of Indiana into the State of New York of a quantity of whole eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On June 5, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**4983. Adulteration of frozen whole eggs. U. S. v. 6,800 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 8357. Sample Nos. 6209-F to 6212-F, incl., 7024-F to 7028-F, incl.)

On September 15, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 6,800 30-pound cans of frozen whole eggs at National Stock Yards, Ill., alleging that the article had been shipped in interstate commerce in the period from on or about May 22 to July 24, 1942, by Marshall Kirby & Co., from Terre Haute, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 6, 1942, Marshall Kirby & Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released