

ALLEGED SHIPMENT: On or about July 3 and August 5, 1944, from the State of Missouri into the State of North Carolina.

LABEL, IN PART: "Jack Rabbit 17% Protein Dehydrated Alfalfa Meal," or "Jack Rabbit Dehydrated Alfalfa Leaf Meal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "17% Protein" and "Guaranteed Analysis Crude Protein, Not Less Than 17.0 Percent * * * Crude Fibre, Not More Than 27.0 Percent," in regard to the alfalfa meal, and "Guaranteed Analysis Crude Protein, Not Less Than 20.0 Percent * * * Crude Fibre, Not More Than 18.0 Percent," in regard to the alfalfa leaf meal, were false and misleading since the articles contained, respectively, not more than 11.94 percent and 17.76 percent of crude protein and not less than 29.55 percent and 25.75 percent of crude fiber.

DISPOSITION: October 8, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300 on each count.

8589. Misbranding of poultry mash and dairy feed. U. S. v. Whyte Feed Mills. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 16538. Sample Nos. 34201-H, 34202-H.)

INFORMATION FILED: September 13, 1945, Eastern District of Arkansas, against the Whyte Feed Mills, a partnership, Pine Bluff, Ark.

ALLEGED SHIPMENT: On or about December 13, 1944, from the State of Arkansas into the State of Texas.

LABEL, IN PART: "Special Horseshoe Egg Mash," or "Ozark Dairy Feed."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement on the egg mash, "Guaranteed Analysis: Crude Protein Not less than—18.00 Percent," was false and misleading since the article contained not more than 15.32 percent of crude protein; and the label statements on the dairy feed, "Guaranteed Analysis: * * * Crude Fiber Not More than—15.00 Percent Nitrogen-Free Extract not less than—45.00 Percent," were false and misleading since the article contained not less than 19.11 percent of crude fiber and not more than 34.25 percent of nitrogen-free extract.

DISPOSITION: September 25, 1945. A plea of nolo contendere having been entered, the court imposed a fine of \$25.

8590. Misbranding of Egg-O-Milk Co.'s Blend (poultry and cattle feed). U. S. v. 45 Bags of Egg-O-Milk Co.'s Blend. Default decree of condemnation. Product ordered distributed to charitable institutions or destroyed. (F. D. C. No. 15703. Sample No. 3414-H.)

LIBEL FILED: March 28, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 28, 1944, and January 10, 1945, by the Egg-O-Milk Co., from Baltimore, Md.

PRODUCT: 45 100-pound bags of Egg-O-Milk Co.'s Blend at York, Pa. The product consisted essentially of soybean flour, wheat flour, small amounts of whole wheat particles resembling a malted wheat, spray-dried grains resembling those of dried egg, and a trace of yeast.

LABEL, IN PART: "Egg-O-Milk Co.'s Blend Buttermilk, Skim Milk, Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Powdered Egg-Yolk, Yeast."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Egg-O-Milk Co.'s Blend" was misleading since the article was formerly sold under the name "Egg-O-Milk," and this name implied that the article consisted essentially of egg and milk. Further misbranding, Section 403 (a), the label statement, "Buttermilk, Skim Milk, Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Powdered Egg-Yolk, Yeast," was false and misleading as applied to an article containing little, if any, buttermilk or skim milk.

DISPOSITION: On October 29, 1945, the Egg-O-Milk Co. having withdrawn its answer to the libel, judgment of condemnation was entered and it was ordered that the product be distributed to such charitable institutions as might use it for the feeding of farm animals. The product was to be destroyed if no charitable institution accepted it for feeding purposes.

8591. Misbranding of Milkmaid Co.'s Blend (poultry and cattle feed). U. S. v. 30 Bags of Milkmaid Co.'s Blend. Default decree of condemnation. Product ordered distributed to charitable institutions or destroyed. (F. D. C. No. 15937. Sample No. 3213-H.)

LIBEL FILED: April 19, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 15, 1945, by the Gerard Milk Products Co., from Baltimore, Md.

PRODUCT: 30 100-pound bags of Milkmaid Co.'s Blend at Lewisburg, Pa. The product consisted of large amounts of soybean flour and wheat flour, smaller amounts of wheat and barley particles resembling a malted product, a very small amount of spray-dried grains resembling a dried milk product, and a trace of yeast.

LABEL, IN PART: "Milkmaid Co.'s Blend Dried Buttermilk, Dried Skimmed Milk, Processed Feeding Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Yeast * * * Manufactured by Milkmaid Company."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Milkmaid Co.'s Blend" was misleading since it implied that the article consisted essentially of milk and malt. Further misbranding, Section 403 (a), the statement, "Dried Buttermilk, Dried Skimmed Milk, Processed Feeding Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Yeast," was false and misleading as applied to an article containing little, if any, dried buttermilk or dried skim milk.

DISPOSITION: On October 30, 1945, the Milkmaid Co. having withdrawn its answer to the libel, judgment of condemnation was entered and it was ordered that the product be distributed to such charitable institutions as might use it for the feeding of farm animals. If no institution wanted it for that purpose, it was to be destroyed.

8592. Adulteration and misbranding of dog food. U. S. v. Vitapep Products, Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 15580. Sample Nos. 73634-F, 73635-F.)

INFORMATION FILED: July 18, 1945, Southern District of California, against the Vitapep Products, Inc., Los Angeles, Calif.

ALLEGED SHIPMENT: August 10 and September 26, 1944, from the State of California into the State of Arizona.

PRODUCT: Tests showed that the product contained an ingredient that was harmful to dogs.

LABEL, IN PART: (Bags) "Kibbled Vitapep Dog Food The Ideal Ration Vitapep Products Inc. Los Angeles, Calif. Dallas Tex."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a deleterious substance which might have rendered it deleterious to health.

Misbranding, Section 403 (a), the label statements, "Vitapep * * * The Ideal Ration * * * is nutritious * * * is healthful because all the ingredients that go into this product are proportionately balanced to insure your dog's health," were false and misleading since the article would not increase vitality and pep in dogs as implied by the name "Vitapep"; it was not an ideal ration for dogs; it was neither nutritious nor healthful; all of the ingredients were not proportionately balanced to insure the dog's health; and the product contained a deleterious ingredient that would be injurious to health when fed to dogs.

Further misbranding, portion of the product, Section 403 (f), the common or usual name of each ingredient of the food, required by law to appear on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information was inconspicuously placed at the bottom of one side panel of the bag.

DISPOSITION: August 21, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each count, a total fine of \$400.

FISH AND SHELLFISH

8593. Adulteration of salt herring. U. S. v. Cecil J. Belch, Sr. (Welaka Fish & Produce Co.). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 16498. Sample No. 2304-H.)

INFORMATION FILED: August 20, 1945, Eastern District of North Carolina, against Cecil J. Belch, Sr., trading as the Welaka Fish and Produce Co., Mackeys, N. C.

ALLEGED SHIPMENT: On or about April 6, 1945, from the State of North Carolina into the State of Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 1, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250.