PRODUCT: 30 100-pound bags of Milkmalt 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: "Milkmalt Co.'s Blend Dried Buttetrmilk, Dried Skimmed Milk, Processed Feeding Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Yeast * * * Manufactured by Milkmalt Company."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Milkmalt 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DISPOSITION: On October 30, 1945, the Milkmalt Co. having withdrawn its answer to the libel, judgment of condemnation was entered and it was ordered that the product be distributed to such charitable institutions as might use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.