

than 17%" and "Crude Fibre, not more than 27%," were false and misleading since the remainder contained less than 17 percent of crude protein and more than 27 percent of crude fiber.

DISPOSITION: October 11, 1943. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$25 on each of the 2 counts.

8898. Misbranding of Rex Wheat Germ Oil. U. S. v. 3 Deals and 4 Bottles of Rex Wheat Germ Oil. Default decree of condemnation and destruction. (F. D. C. No. 14648. Sample No. 87389-F.)

LIBEL FILED: December 15, 1944, in the Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 26 and September 22, 1944, from Fort Worth, Tex., by the Globe Laboratories.

PRODUCT: 3 deals and 4 1-gallon bottles of Rex Wheat Germ Oil at Cedar Rapids, Iowa.

Each of the deals consisted of a carton containing 2 1-quart bottles, 4 1-pint bottles, and 3 4-ounce bottles, together with a manila envelope bearing the notation "To the Manager." The envelope contained various pieces of printed matter discussing the alleged virtues of the article. Examination showed that the product contained a dark brown, oily liquid identical in appearance to wheat germ oil.

LABEL, IN PART: "Rex Wheat Germ Oil * * * VioBin Corporation, Monticello, Illinois."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the bottle labels of the article, on the manila envelope, and in the printed matter enclosed in the envelope were false and misleading since they represented and suggested that the article would be effective in preventing or correcting breeding difficulties in cattle, pigs, sheep, poultry, dogs, and other animals; that it would be effective in producing a healthy coat and skin in dogs and in curing summer eczema in dogs; that the use of the article would increase the livability of young dogs; that it would keep the dog's coat glossy, soft, and free of dandruff and scale; that it would promote growth of hair and contribute to a dog's general health; that it would be effective in the treatment of itchy, sore, or scaly skin; that it would increase the fertility of hens and the hatchability of eggs; and that it was effective in treating abortion and simple sterility in cows, in bringing calves through to full term in cows with Bang's disease, in treating barrenness in sows, in causing mares to breed, and in producing thriftier livestock. The article would not be effective for the purposes claimed.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1545.

DISPOSITION: February 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the envelope and printed matter, was ordered destroyed.

FISH AND SHELLFISH

8899. Adulteration of frozen fish fillets. U. S. v. 383 Boxes of Frozen Yellow Tails. Default decree of condemnation and destruction. (F. D. C. No. 15705. Sample No. 6416-H.)

LIBEL FILED: March 16, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about November 13, 1944, by the National Frosted Foods Sales Corporation, from New Bedford, Mass.

PRODUCT: 383 boxes of frozen yellowtails at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance.

DISPOSITION: June 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8900. Adulteration of frozen cod fillets. U. S. v. 425 Boxes of Frozen, Skinless Cod. Default decree of condemnation and destruction. (F. D. C. No. 15626. Sample Nos. 17917-H, 17919-H, 17920-H.)

LIBEL FILED: March 19, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On February 24, 1945, by the Seattle Fish Co., from Denver, Colo.

PRODUCT: 425 15-pound boxes of frozen cod fillets at Chicago, Ill.

LABEL, IN PART: "Seabright Brand Frozen Cod Skinless * * * Packed By Leonard Brothers Ltd. North Sydney N. S. Canada."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8901. Adulteration of frozen cod fillets. U. S. v. 227 Boxes of Cod Fillets. Default decree of condemnation and destruction. (F. D. C. No. 15595. Sample No. 9421-H.)

LABEL FILED: March 8, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about April 29, 1944, by the Gorton-Pew Co., Ltd., from Gloucester, Mass.

PRODUCT: 227 10-pound boxes of cod fillets at Rochester, N. Y.

LABEL, IN PART: "Quickly Frozen * * * Gold Seal Brand Cod Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8902. Adulteration of frozen cod fillets. U. S. v. 25 Boxes of Cod Fillets. Default decree of condemnation. Product ordered sold. (F. D. C. No. 15659. Sample No. 22825-H.)

LABEL FILED: March 21, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 7, 1944, by the Commonwealth Ice and Cold Storage Co., from Boston, Mass.

PRODUCT: 25 15-pound boxes of cod fillets at St. Louis, Mo.

LABEL, IN PART: "North Atlantic Brand Cod Fillets," or "Frozen Cod Fillets Star Fish Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance.

DISPOSITION: April 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold after the adoption of safeguards, as directed by the Food and Drug Administration, to prevent its use for human consumption.

8903. Adulteration of rosefish fillets. U. S. v. 1,100 Boxes of Rosefish Fillets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 7964. Sample No. 1805-F.)

LABEL FILED: July 27, 1942, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 6, 1942, by F. J. O'Hara and Sons, Inc., from Portland, Maine.

PRODUCT: 1,100 10-pound boxes of rosefish fillets at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 24, 1942. F. J. O'Hara and Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and salvage of the fit portion, under the supervision of the Food and Drug Administration.

8904. Adulteration of rosefish fillets. U. S. v. 157 Boxes of Rosefish Fillets. Consent decree ordering unfit portion destroyed and fit portion released. (F. D. C. No. 15603. Sample No. 26439-H.)

LABEL FILED: On or about March 17, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about February 8, 1945, by the Distribution Terminal Warehouse, from Cleveland, Ohio.

PRODUCT: 157 10-pound boxes of rosefish fillets at Denver, Colo.

LABEL, IN PART: "Rosefish Fillets * * * Packed by F. J. O'Hara & Sons, Inc., Portland, Maine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance.