

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: August 25, 1949. The Cumberland Dairy Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered. The court ordered that the product be released under bond, to be repacked and relabeled under the supervision of the Federal Security Agency.

FEEDS AND GRAINS

14919. Adulteration and misbranding of Fox No. 1 Mineral Feed and misbranding of Poultrate and Vetrone. U. S. v. Foxbilt, Inc., and E. Frank Fox. Pleas of guilty. Fine of \$325 against each defendant, plus costs. (F. D. C. No. 25602. Sample Nos. 25384-K, 25385-K, 25387-K.)

INFORMATION FILED: February 24, 1949, Southern District of Iowa, against Foxbilt, Inc., Des Moines, Iowa, and E. Frank Fox, president of the corporation.

ALLEGED SHIPMENT: On or about January 20 and April 9, 1948, from the State of Iowa into the State of Minnesota. A number of circulars entitled "How to Feed Fox No. 1 Mineral Feed" accompanied the Fox No. 1 Mineral Feed, and a number of booklets entitled "Calling All Hens" and "Foxbilt Feeds" accompanied the Poultrate and Vetrone, respectively.

LABEL, IN PART: "Fox No. 1 Mineral Feed * * * Guaranteed Analysis Calcium (Ca), Not more than 3.16%, Phosphorus, Not less than .50%, Iodine (I), Not less than .008%, Salt (NaCl), * * * None Contains Sodium Bicarbonate, Sulphate Soda, Soft Phosphate with Colloidal Clay, American Wormseed, Poke Root, Sulphur (7½%), Potassium Nitrate, Iron Oxide, Iron Sulphate, Cascara, Mandrake, Charcoal (5%), Areca Nut, Pulverized Limestone (Containing 98% Calcium Carbonate), Manganese Sulphate, Potassium Iodide"; "Poultrate * * * Guaranteed Analysis Protein, Not less than 25%, Fat, Not less than 3.5%, Calcium (Ca), Not more than 7.50%, Not less than 6%, Fiber, Not more than 6.5%, Phosphorus (P), Not less than 1.0%, Iodine (I), Not less than .01% Salt (NaCl), Not less than 4.6%, N. F. E., Not less than 18.0%"; and "Vetrone * * * Contents Ferric Sulphate, Cobalt Sulphate, Magnesium Sulphate, Ferrous Sulphate, Manganese Sulphate, Aluminium Sulphate."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, phosphorus, had been in part omitted from the Fox No. 1 Mineral Feed.

Misbranding, Section 403 (a), certain statements in the labeling of the articles were false and misleading since the articles would not be effective for the purposes represented and since the Fox No. 1 Mineral Feed contained less than the declared amount of phosphorus. The statements represented and suggested that the Fox No. 1 Mineral Feed contained not less than .5 percent of phosphorus and would be effective in the treatment of digestive disorders in shoats and gilts, in the conditioning of pigs and stock hogs, in the treatment of all types of unthrifty and backward conditions in hogs, in the treatment of pigs when they go off their feed, in the treatment of horses of all types in a weakened run-down condition, in the treatment of sheep that are out-of-condition, and in the treatment of poultry in a run-down condition; that the Poultrate would be effective in the prevention and treatment in poultry of coccidiosis,

worms, cholera, typhoid, colds, roup, tuberculosis, and blackhead; and that the Vetrone when used as directed would be effective in the prevention and treatment of diseases of poultry, hogs, and dairy cows, in the prevention and treatment in poultry of coccidiosis, parasites, cholera, and a run-down condition, in the prevention of anemia in pigs, and in the treatment of pig scours, necro, and mastitis.

The Fox No. 1 Mineral Feed was alleged to be adulterated and misbranded, and the Poultrate and Vetrone, together with another product known as Fox Triumph Swine Liquid, were alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgments on drugs and devices, No. 2788.

DISPOSITION: May 21, 1949. Pleas of guilty having been entered, the court imposed a fine of \$325 against each defendant, together with costs.

14920. Adulteration of dehydrated alfalfa meal. U. S. v. Le Roy Alfalfa Corporation. Plea of guilty. Fine, \$300. (F. D. C. No. 26812. Sample Nos. 39272-K, 39273-K.)

INFORMATION FILED: June 22, 1949, Western District of New York, against the Le Roy Alfalfa Corp., Le Roy, N. Y.

ALLEGED SHIPMENT: On or about September 8 and December 18, 1948, from the State of New York into the State of Maryland.

LABEL, IN PART: "Dehydrated Alfalfa Meal Guaranteed Analysis Protein (Min.) 15%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted and abstracted from the article.

DISPOSITION: September 12, 1949. A plea of guilty having been entered, the court imposed a fine of \$300.

FISH AND SHELLFISH

14921. Adulteration of frozen rosefish fillets. U. S. v. 252 Cartons * * *. (F. D. C. No. 26904. Sample No. 5227-K.)

LIBEL FILED: April 14, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 16, 1949, by Coastal Foods, Inc., from Ellsworth, Maine.

PRODUCT: 252 10-pound cartons of frozen rosefish fillets at Chicago, Ill.

LABEL, IN PART: (Package, in carton) "Coastal Kitchen Brand Fillet of Maine Rosefish."

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

DISPOSITION: July 21, 1949. Default decree of condemnation and destruction.

14922. Adulteration of frozen rosefish fillets. U. S. v. 124 Cases * * *. (F. D. C. No. 26905. Sample Nos. 5224-K, 43659-K.)

LIBEL FILED: April 8, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 16, 1949, by Coastal Foods, Inc., from Ellsworth, Maine.