merce on or about September 9, 1940, by the Whitmoyer Laboratories, Inc., from Myerstown, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Whitmoyer Quality Five X Concentrate."

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the label, "Five X Concentrate is guaranteed to contain not less than 425 A. O. A. C. units vitamin D per gram," was false and misleading since it was incorrect.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 480.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2648. Adulteration and misbranding of sardine oil. U. S. v. Industrial Oil Products Corporation. Plea of nolo contendere. Fine, $100 on count I. Imposition of sentence suspended on remaining counts. (F. D. C. No. 4155. Sample Nos. 24505-E, 40103-E.)

This product contained less vitamin D than the amount declared on its label.

On August 7, 1941, the United States attorney for the Southern District of California filed an information against the Industrial Oil Products Corporation, trading at Los Angeles, Calif., alleging shipment on or about September 4 and October 24, 1940, from the State of California into the State of New Jersey of quantities of sardine oil which was adulterated and misbranded. The article was labeled in part: "Fox Special Sardine Oil Guaranteed * * * The Fox Company, Newfield, New Jersey."

It was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statement "Guaranteed 85 AOAC Chick Units Vitamin D per gram," borne on its container, was false and misleading in that it represented that the article contained 85 A. O. A. C. chick units of vitamin D per gram; whereas it contained less than so represented, one lot containing not more than 60 and the other containing not more than 65 A. O. A. C. chick units of vitamin D per gram.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 482.

On August 28, 1941, a plea of nolo contendere having been entered, the court sentenced the defendant to pay a fine of $100 on count I and suspended imposition of sentence on the remaining seven counts.

DAIRY PRODUCTS

BUTTER

Nos. 2649 to 2663 report the seizure and disposition of butter that was found to contain mold.

2649. Adulteration of butter. U. S. v. 37 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 5868. Sample No. 54235-E.)

This product, in addition to containing mold, was also deficient in milk fat.

On September 6, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 37 cartons, each containing 32 pounds, of butter at Philadelphia, Pa., alleging that the article had been shipped on or about August 28, 1941, by Chesapeake Creameries, Inc., from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: (Print wrapper) "One Pound Net Weight Chesapeake Creamery Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. It was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2650. Adulteration of butter. U. S. v. 10 Cartons, 1 Carton, and 2 Portions of Cartons of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 5850, 5851. Sample Nos. 50584-E, 50585-E.)

On September 24, 1941, the United States attorney for the District of Columbia filed libels against 11 cartons each containing 32 pounds, a portion of a carton containing 20 pounds, and a portion of a carton containing 28 pounds, of butter at Washington, D. C., alleging that the article had been shipped on September