

26566. Adulteration of crab meat. U. S. v. 73 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38129. Sample no. 6660-C.)

This case involved crab meat that was filthy.

On July 31, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 28, 1936, by Southern Seafoods, from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 28, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26567. Misbranding of chocolate-flavored malted milk. U. S. v. 59½ Dozen Tins and 74½ Dozen Tins of Chocolate-Flavored Malted Milk. Default decree of condemnation. Portion of product ordered destroyed; remainder ordered delivered to charitable institutions. (F. & D. nos. 38135, 38136. Sample nos. 9153-C, 9155-C.)

This product was represented to be chocolate-flavored malted milk. Examination showed that it consisted mainly of sugar with some cocoa and malted milk present. The labeling on one lot failed to bear a plain and conspicuous statement of the quantity of the contents.

On August 10, 1936, the United States attorneys for the Eastern and Southern Districts of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 74½ dozen tins of chocolate-flavored malted milk at Brooklyn, N. Y., and 59½ dozen tins of the product at New York, N. Y., alleging that the article had been shipped in interstate commerce, in part on or about June 29, 1936, and in part on or about July 17, 1936, by Manhattan Pure Foods, Inc., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Mother's Pride Chocolate Flavored Malted Milk * * * Distributed by Scientific Food Products Co. New York Chicago New Orleans San Francisco"; the remainder was labeled: "Manhattan Sweetened Chocolate Flavored Malted Milk, Manhattan Pure Foods, Inc., Newark, N. J. * * *."

The Manhattan brand was alleged to be misbranded in that the statement "guaranteed as a 100 percent pure food which meets all pure food law requirements" was false and misleading and tended to deceive the purchaser into believing that the article had been examined and approved by the Food and Drug Administration of this Department.

The Mother's Pride brand was alleged to be misbranded in that the statements, "Chocolate flavored malted milk * * * is beneficial to children in developing healthy, sturdy bodies. Recommended for children", borne on the label, were false and misleading and tended to deceive and mislead the purchaser since the article was not a chocolate-flavored malted milk, was not beneficial to children in developing healthy, sturdy bodies, and was not recommended for children. Misbranding of the Mother's Pride brand was alleged for the further reasons that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in that the statement "8 ounces net" appeared in an inconspicuous position and in small type on one of the side panels.

On August 31 and September 14, 1936, no claimant having appeared, judgments of condemnation were entered. The lot seized at New York, N. Y., was ordered delivered to a charitable institution and the lot seized at Brooklyn, N. Y., was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26568. Adulteration of butter. U. S. v. 84 Tubs of Butter. Decree of condemnation. Product ordered released under bond. (F. & D. no. 38142. Sample no. 7061-C.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On August 3, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the