

28606. Adulteration of frozen eggs. U. S. v. 1,300 Cans of Frozen Eggs. Product ordered released under bond. (F. & D. No. 40388. Sample No. 52264-C.)

This product was in part decomposed.

On September 27, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,300 cans of frozen eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 30, 1937, by the Washington Cooperative Egg & Poultry Association from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Whole Eggs Washington Cooperative Egg and Poultry Association, Seattle, Washington."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid animal substance.

On January 10, 1938, the Washington Cooperative Egg & Poultry Association having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be reconditioned. On March 9, 1938, final decree was entered ordering release of good portion and destruction of unfit portion.

W. R. GREGG, *Acting Secretary of Agriculture.*

28607. Adulteration of canned mustard greens. U. S. v. 11 Cases of Canned Mustard Greens. Default decree of condemnation and destruction. (F. & D. No. 40070. Sample No. 33753-C.)

Samples of this product were found to be insect-infested.

On August 11, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of canned mustard greens at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about June 26, 1937, by the Dorgan-McPhillips Packing Corporation from Columbia, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Kist Brand Mustard Greens Distributed By Dorgan-McPhillips Packing Corp. * * * Mobile, Alabama."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28608. Adulteration of tomato catsup. U. S. v. The G. S. Suppiger Co. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 39805. Sample No. 18715-C.)

This product contained insect fragments and excessive mold.

On November 27, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. S. Suppiger Co., a corporation, having a place of business at Belleville, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 8, 1936, from the State of Illinois into the State of Tennessee of a quantity of tomato catsup which was adulterated. The article was labeled in part: "Inter-Ocean * * * Catsup * * * Packed By Collinsville Canning Co. Collinsville, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On February 8, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

28609. Adulteration and misbranding of butter. U. S. v. Lloyd Iiams and Ray E. Iiams (Lander Creamery Co.). Pleas of guilty. Fines, \$100. (F. & D. No. 39850. Sample Nos. 39046-C, 39482-C.)

This product contained less than 80 percent of milk fat.

On February 7, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lloyd Iiams and Ray E. Iiams, copartners trading as the Lander Creamery Co., Lander, Wyo., alleging shipment by said defendants in violation of the Food and Drugs Act on or about July 7, 1937, from the State of Wyoming into the State of California of quantities of butter which

was adulterated and misbranded. The article was labeled in part: "Lander Creamery Company Primrose Butter."

It was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

The article was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading, since the article was not butter but was a product containing less than 80 percent by weight of milk fat.

On February 9, 1938, the defendants entered pleas of guilty and the court imposed fines in the total amount of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

28610. Adulteration and misbranding of candy. U. S. v. 7 Boxes and 7 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 40901, 40902. Sample Nos. 61135-C, 61136-C.)

The candy bars in this assortment were insect-infested. Some of them were short of the declared weight, and the wrappers on others bore no statement of the net weight.

On November 23, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of candy at Huntsville, Ala., alleging that the article had been shipped in interstate commerce on or about November 3, 1937, by the Consolidated Candy Co. from Dallas, Tex.; and charging adulteration of all and misbranding of a portion of the product in violation of the Food and Drugs Act as amended. The boxes each contained a number of small pieces and a number of bars labeled variously: "Kiddo," "Good Time," "Oky-Doky," or "Penny-Anny." A portion of the boxes were labeled: "Scotty Deal Consolidated Candy Co."

The candy bars were alleged to be adulterated in that they consisted in whole or in part of a filthy vegetable substance.

Portions of the said candy bars were alleged to be misbranded in that the statements (Kiddo, Good Time, and Oky-Doky brands) "1½ Oz. or Over," and (Penny-Anny brand) "¾ Oz. or Over," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the statement was incorrect. Certain unlabeled bars were alleged to be misbranded in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On February 19, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28611. Adulteration and misbranding of brewers' rice. U. S. v. 132 Bags of Brewers' Rice. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 40447. Sample No. 37737-C.)

This product was in part insect-infested and the sacks containing it bore no quantity of contents statement.

On October 7, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 bags of brewers' rice at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 13, 1937, from Houston, Tex., by Southern Rice Sales Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was alleged in 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.

On February 1, 1938, Southern Rice Sales Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released