

On September 17, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 without costs.

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

29477. Adulteration and misbranding of whitefish caviar. U. S. v. 66 Jars of Whitefish Caviar (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42413, 42420 to 42423, inclusive. Sample Nos. 21242-D to 21245-D, inclusive, 21515.)

Samples of this product were found to contain parasitic worms, fish scales, and nondescript tissues. The 1-pound and 4-ounce jars were short weight.

On May 17 and 18, 1938, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 191 various sized jars of caviar at Detroit, Mich.; alleging that the article had been shipped in interstate commerce within the period from on or about February 1, 1938, to on or about April 11, 1938, by Romanoff Caviar Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "White Fish Caviar * * * Packed By Hansen Caviar Co."

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

A portion of the article was alleged to be misbranded in that the statements, "16 Oz. Net" and "4 Oz. Net," on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

On September 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29478. Adulteration of wheat. U. S. v. 20 Bags of Wheat. Default decree of condemnation and destruction. (F. & D. No. 42458. Sample No. 22846-D.)

This product contained an excessive amount of copper.

On May 25, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bags of wheat at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about April 21, 1938, by Kerr Gifford & Co. from Hay, Wash.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added deleterious ingredient, copper, which might have rendered it injurious to health.

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29479. Misbranding of canned tomatoes with puree from trimmings. U. S. v. 212 Cases of Tomatoes. Consent decree of condemnation with provision for release under bond. (F. & D. No. 42907. Sample Nos. 23480-D, 23504-D.)

This product fell below the standard established by this Department because the fruit units did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On June 23, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 cases of canned tomatoes with puree from trimmings at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about March 5, 1938, by California Conserving Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Alameda Brand Tomatoes With Puree From Trimmings * * * Packed by California Conserving Co."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit units did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On or about September 1, 1938, the California Conserving Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered. The decree provided, however, that the product might be released under bond conditioned that it not be sold or disposed of contrary to law.

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

29480. Misbranding of malt food drink. U. S. v. 40 Cases of Malt Food Drink. Default decree of condemnation and destruction. (F. & D. No. 43088. Sample No. 25708-D.)

This product was labeled to indicate that it contained an appreciable amount of malted milk; but in fact it contained but a small amount of, if any, malted milk.

On July 19, 1938, the United States attorney for the Eastern 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 40 cases of malt food drink at Long Island City, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 20, 1938, by the Manhattan Pure Foods Co. from Newark, N. J.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Manhattan Sweetened Chocolate * * * Malt Food Drink."

Misbranding was alleged in that the statements on the label, "Sweetened Chocolate Malt Food Drink * * * Contains * * * Pure Malted Drink * * * Guaranteed as a 100% pure food which meets all pure food law requirements," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which consisted essentially of sugar, cocoa, malt, and a very small amount of, if any, malted milk.

On September 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29481. Adulteration and misbranding of flour. U. S. v. 149 Sacks of Flour. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43767. Sample No. 36052-D.)

This product was bleached flour and the fact that it was bleached was not stated on the label.

On September 7, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 sacks of flour at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about August 20, 1938, by Pillsbury Flour Mills Co. from Astoria, Oreg.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pillsbury's Extra Fancy Sno-Sheen Cake Flour Matured With Beta Chloro."

The article was alleged to be adulterated in that bleached flour had been substituted wholly or in part for the article.

Misbranding was alleged in that the statement "Cake Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to flour that was bleached. Misbranding was alleged further in that it was labeled and branded so as to deceive and mislead the purchaser since the label failed to bear a conspicuous statement indicating that the flour was bleached.

On September 22, 1938, the Pillsbury Flour Mills Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to conform to the requirements of the law.

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

29482. Adulteration of flour. U. S. v. 18 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43366. Sample No. 38005-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of investigation insect-infested.

On August 18, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about June 15, 1938, by the Newton Milling & Elevator Co. from Blackwell, Okla.; and