

Association from Los Angeles, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "King Solomon Brand Fancy Mackerel Contents 1 lb. * * * Distributed by Coast Fishing Co., Wilmington, Cal."

It was alleged to be misbranded in that the statement "Contents 1 Lb." was 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 package, since the statement made was incorrect.

On October 31, 1938, the Coast Fishing Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of this Department, and not disposed of contrary to law.

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

29663. Adulteration of tomato puree. U. S. v. 48 Cases of Tomato Puree (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41826, 41829, 41971. Sample Nos. 768-D, 9514-D, 16417-D.)

This product contained excessive mold.

On February 24 and 28, and March 15, 1938, the United States attorneys for the Western District of Pennsylvania and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 62 cases of tomato puree at Pittsburgh, Pa., and 19 cases of tomato puree at Jacksonville, Fla.; alleging that the article had been shipped in the period from on or about November 1, 1937, to on or about January 19, 1938, by the Beechnut Packing Co. from Rochester, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Beechnut Tomato Puree."

Adulteration was alleged in that the article consisted wholly or in part of a filthy and decomposed vegetable substance.

On October 14 and 19, 1938, no claim having been entered for the product, judgments of condemnation were entered and it was ordered destroyed.

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

29664. Adulteration of corn meal. U. S. v. 20 Bags and 37 Bags of Corn Meal. Default decree of condemnation. (F. & D. Nos. 43581, 43582. Sample Nos. 37966-D, 37967-D.)

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

On or about September 13, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 bags of corn meal at Hattiesburg, Miss.; alleging that the article had been shipped in interstate commerce on or about August 17, 1938, by Mountain City Mill Co. from Chattanooga, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Old Stone Ground Unbolted Meal."

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

On October 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in the manner provided by law.

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

29665. Misbranding of olive oil. U. S. v. 13 Cans of Olive Oil. Default decree of condemnation. Product delivered to public institution. (F. & D. No. 41836. Sample No. 14952-D.)

This product was short of the declared volume.

On February 26, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cans of olive oil at Tacoma, Wash.; alleging that the article had been shipped in interstate commerce on or about September 8, 1936, from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Virgin Olive Oil Net Contents ½ Gallon Packed for G. Simi Parodi, Erminio & Co., Distributors, San Francisco."

Misbranding was alleged in that the statement "Net Contents $\frac{1}{2}$ Gallon" was false and misleading and tended to deceive and mislead purchasers; and 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, since the quantity stated was not correct.

On October 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

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

29666. Adulteration of butter. U. S. v. 33 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44241. Sample Nos. 19533-D, 27046-D.)

This product contained less than 80 percent of milk fat.

On October 17, 1938, 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 33 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 6, 1938, by Kelliher Creamery Co. from Kelliher, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product 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 act of March 4, 1923.

On October 25, 1938, the Kelliher Creamery Co., 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 under bond, conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

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

29667. Adulteration and misbranding of cheese. U. S. v. 100 Cases of Cheddar Cheese. Decree of condemnation. Product released under bond for reprocessing. (F. & D. No. 43677. Sample No. 19174-D.)

This product was deficient in fat.

On September 2, 1938, 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 100 cases of cheese at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about July 30 and August 6, 1938, by the Brooklawn Creamery Co. from Panguitch, Utah; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Whole Milk Cheddar Cheese."

Adulteration was alleged in that a substance deficient in fat had been mixed and packed with the article so as to reduce or lower its quality. Misbranding was alleged in that the statement "Whole Milk Cheddar Cheese" was false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in fat. It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

On October 20, 1938, the Brooklawn Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reprocessed under the supervision of this Department.

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

29668. Misbranding of butter. U. S. v. Estal Draut (Rising Sun Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 42566. Sample Nos. 1911-D, 4207-D.)

This product was short weight.

On September 23, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Estal Draut, trading as the Rising Sun Creamery Co., Rising Sun, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 6 and May 13, 1938, from the State of Indiana into the State of Ohio of quantities of butter which was misbranded. The article was labeled in part: (Carton) "Red Ribbon Creamery Butter * * * The Churn Gold Corporation, Cincinnati, Ohio,