

30436. Adulteration of candy. U. S. v. 13 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43721. Sample No. 37993.)

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

On October 20, 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 13 boxes of candy at Hattiesburg, Miss.; alleging that the article had been shipped on or about February 12, 1938, from Philadelphia, Pa., by D. Goldenberg, Inc.; and charging adulteration in violation of the Food and Drugs Act. The candy was labeled in part: "Goldenberg's Romeos 1c."

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

On April 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30437. Adulteration of candy. U. S. v. 30 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43696. Sample No. 37990-D.)

This product at the time of examination was insect-infested.

On October 20, 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 30 boxes of candy at Hattiesburg, Miss.; alleging that the article had been shipped in interstate commerce on or about October 9, 1937, by Pangburn Co. from Fort Worth, Tex.; and charging adulteration in violation of the Food and Drugs Act. The candy was labeled in part: "Pangburn's Famous Pecan Krunch."

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

On April 11, 1939, no claimant having appeared and the court having found that the product was not adulterated at the time of shipment but had become insect-infested thereafter and through no fault of the original shipper, judgment of condemnation was entered and the product was ordered destroyed.

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

30438. Adulteration of prunes. U. S. v. Rosenberg Bros. & Co. Plea of nolo contendere. Fine, \$200. (F. & D. No. 42525. Sample Nos. 2683-D, 7915-D.)

This product was in large part worm-infested.

On June 28, 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 an information against Rosenberg Bros. & Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 19 and February 14, 1938, from the State of California into the State of New York of quantities of dried prunes that were adulterated. The article was labeled in part: "For Manufacturing Purposes Only."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance, namely, worm-infested prunes.

On February 15, 1939, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$200.

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

30439. Adulteration of fruit compote. U. S. v. Rosenberg Bros. & Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 42644. Sample No. 36290-D.)

This product consisted of a mixture of fruits, and the pears in the mixture were in part insect-infested and moldy.

On January 4, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rosenberg Bros. & Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 4, 1938, from the State of California into the State of Massachusetts of a quantity of fruit compote that was adulterated. The article was labeled in part: "Iris Brand California Choice Fruit Compote."

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 15, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

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

30440. Adulteration of confections. U. S. v. 17 Boxes of Cream Cakes (and 1 other seizure of a similar product). Default decrees of condemnation and destruction. (F. & D. Nos. 43693, 43694. Sample Nos. 37985-D, 37986-D.)

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

On October 20, 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 libels praying seizure and condemnation of 25 boxes of confections at Hattiesburg, Miss.; alleging that the articles had been shipped on or about May 29 and October 9, 1936, by Thinshell Products, Inc., from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Thinshell Waffle Cream Cakes [or "Milko Grahams"]."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On April 11, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

30441. Adulteration of frozen perch fillets. U. S. v. 790 Boxes of Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 45093. Sample No. 44972-D.)

This product was infested with parasitic worms.

On April 15, 1939, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 790 boxes of perch fillets at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about March 14, 1939, from Gloucester, Mass., by Atlantic Coast Fisheries Corporation; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cape Ann Ocean Perch."

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

On April 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30442. Adulteration of frozen fish. U. S. v. 44 Cases of Haddock Fillets (and 7 other seizure actions against similar products). Decrees of condemnation. One lot ordered released under bond for segregation and destruction of decomposed portions. Remaining lots ordered destroyed. (F. & D. Nos. 44633 to 44637, inclusive, 44670, 44671, 44775, 44916, 44924, 44979, 45028. Sample Nos. 30990-D, 30994-D, 30996-D, 30997-D, 31000-D, 31787-D, 41531-D, 41532-D, 42199-D, 44948-D, 44953-D, 49713-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination certain lots were found to be in whole or in part decomposed; others contained parasitic worms.

Between January 5 and March 15, 1939, the United States attorneys for the Districts of Colorado and Utah, Northern District of Texas, Western District of New York, Eastern District of Pennsylvania, Middle District of North Carolina, and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 77 cases, 1,109 boxes, and 859 cartons of frozen fish in various lots at Denver, Colo., Salt Lake City, Utah, Dallas, Tex., Buffalo, N. Y., Philadelphia, Pa., Greensboro, N. C., and Atlanta, Ga.; alleging that the article had been shipped within the period from on or about June 26, 1937, to February 25, 1939, by General Sea Foods Corporation, in part from Boston, Mass., and in part from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part variously: "Seafresh Quick Frozen," "Bespakt," or "40 Fathom Fish."

The article was alleged to be adulterated in that it consisted wholly or in part in certain instances of a decomposed and putrid animal substance, in others of a filthy animal substance, and in others of parasite-infested and decomposed fish.