

September 22, 1938, by Mount Vernon Milling Co. from Mount Vernon, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Degerminated Posey Country Cream Meal."

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

On May 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30500. Adulteration of frozen salmon. U. S. v. 56 Boxes of Salmon. Default decree of condemnation and destruction. (F. & D. No. 45218. Sample No. 43672-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 in part decomposed.

On April 19, 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 a libel praying seizure and condemnation of 56 boxes of salmon at San Francisco, Calif.; alleging that the article had been shipped on or about March 14, 1939, by Northland Transportation Co., Ex Alaska Coast Fisheries, from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act.

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

On May 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30501. Adulteration and misbranding of butter. U. S. v. Svend P. Melgaard (Melgaard Creamery Co.). Plea of guilty. Fine, \$34. (F. & D. No. 40816. Sample Nos. 38893-C, 39784-C, 39794-C, 41269-C, 48039-C.)**

This product contained less than 80 percent of milk fat.

On May 21, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Svend P. Melgaard, trading as Melgaard Creamery Co., Salt Lake City, Utah, alleging sale and delivery by said defendant under a guaranty that the article was not adulterated or misbranded in violation of the Food and Drugs Act, of various quantities of butter; that the said butter in the identical condition as when sold, delivered, and guaranteed, was shipped in interstate commerce from the State of Utah into the State of Nevada, within the period from on or about May 24 to on or about August 23, 1937; that the said article when so shipped was adulterated and misbranded in violation of the Food and Drugs Act, and that by reason of said guaranty the defendant was amenable to prosecution for such shipments and to the penalties thereby incurred. The article was labeled in part: "Armour's Star \* \* \* Quality Cloverbloom Full Cream Butter."

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

It was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading, since the said statement represented that the article was butter, a product which should contain not less than 80 percent milk fat; whereas it did not contain 80 percent by weight of milk fat, but did contain a less amount.

On April 19, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$34.

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

**30502. Misbranding of cottonseed meal and cottonseed screenings. U. S. v. Muskogee Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 42516. Sample Nos. 664-C, 667-C.)**

These products contained less protein and more fiber than declared on the labels.

On June 14, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Muskogee Cotton Oil Co., a corporation, Muskogee, Okla., alleging shipment by said company in violation of the Food

and Drugs Act, on or about September 30 and October 13, 1937, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cottonseed screenings that were misbranded. The articles were labeled in part: "Red Seal Brand Cotton Seed Cake and Meal \* \* \* Manufactured by and for Muskogee Cotton Oil Co."; or "'Army' Brand Prime Quality \* \* \* Cottonseed Cake and Meal Manufactured For and Guaranteed By Louis Tobian & Company Dallas, Texas."

The articles were alleged to be misbranded in that the statements borne on the tags, (one lot) "Protein not less than 41 percent" and "Crude Fiber not more than 13 percent," and (other lot) "Crude Protein not less than 43.00%," and "Crude Fiber, not more than 12.00%," were false and misleading and were borne on the tags so as to deceive and mislead the purchaser, since the former contained not more than 37.38 percent of protein and not less than 17.01 percent of crude fiber, and the latter contained not more than 40.81 percent of crude protein and not less than 14.03 percent of crude fiber.

On April 17, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

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

**30503. Oranges damaged by drying. U. S. v. 215 Boxes of Oranges. Default decree of condemnation. Portion fit for human consumption ordered disposed of for charitable purposes. Remainder ordered destroyed.** (F. & D. No. 44978. Sample Nos. 37363-D, 37364-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 consist in part of fruit which had been damaged by drying.

On February 16, 1939, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 215 boxes of oranges at Sioux Falls, S. Dak.; alleging that the article had been shipped on or about January 8, 1939, by Western Fruit Growers, Inc., from Redlands, Calif.; and charging violation of the Food and Drugs Act. The article was labeled in part, "Aurora W Navels."

The libel alleged in substance that citrus fruit damaged by drying had been substituted wholly or in part for edible citrus fruit which the article purported to be, in violation of section 7 of the Food and Drugs Act, paragraph second under foods.

On April 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed, with the exception of such portions as might be fit for human consumption, which were directed to be disposed of for charitable purposes.

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

**30504. Misbranding of canned cherries. U. S. v. 75 Cases of Canned Cherries. Product ordered released under bond.** (F. & D. No. 44361. Sample No. 5681-D.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On November 17, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned cherries at Wichita Falls, Tex.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, from Fort Collins, Colo., by the Producers Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Highland Brand Water Pack Colorado Red Pitted Cherries."

The article 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 there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard. A further allegation of misbranding was that the statement "Red Pitted Cherries" was false and misleading and was calculated to deceive the purchaser.

On December 3, 1938, Producers Canning Co. having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it not be disposed of contrary to law.

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