

**30563. Adulteration of flour. U. S. v. 41 Bags of Flour. Consent decree of condemnation. Product released under bond for disposal as hog feed. (F. & D. No. 44345. Sample No. 43338-D.)**

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

On November 14, 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 41 bags of flour at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about August 14, 1937, from Holmes Spur, Wash., by R. P. Tjossem & Son, Ellensburg, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "High-Line Brand Pastry and Cake Flour \* \* \* Bleached."

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

On June 2, 1939, A. Hillebrandt having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be converted into hog feed under the supervision of this Department.

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

**30564. Adulteration of pollack fillets. U. S. v. 334 Boxes of Frozen Pollack Fillets. Consent decree of condemnation. Product ordered converted into fertilizer. (F. & D. No. 45189. Sample No. 54696-D.)**

This product had been shipped in interstate commerce and remained in the original packages. At the time of the examination it was found to be in part decomposed.

On April 15, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 334 boxes of frozen pollack fillets at Chicago, Ill.; alleging that the article had been shipped on or about April 3, 1939, from Gloucester, Mass., by Cape Ann Cold Storage Co.; 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 animal substance.

On or about May 5, 1939, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered converted into fertilizer.

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

**30565. Adulteration of dried cherries. U. S. v. 284 Cases and 225 Cases of Dried Cherries. Consent decrees of condemnation and destruction. (F. & D. Nos. 45127, 45161. Sample Nos. 37145-D, 37146-D.)**

This product had been shipped in interstate commerce and remained in the original packages. At the time of the examination it was found to be in part moldy.

On April 1 and 8, 1939, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 509 cases of dried cherries at New York, N. Y.; alleging that the article had been shipped on or about March 9, 1939, from San Francisco, Calif., by Guggenlime & Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Horseshoe Brand Cherries" or "Palo Alto Brand California Dried Cherries."

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

On June 3, 1939, the claimant having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed and that costs be taxed against the claimant.

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

**30566. Adulteration of buckwheat and wheat flour. U. S. v. 57 Cases of Buckwheat and Wheat Flour. Default decree of condemnation and destruction. (F. & D. No. 45246. Sample No. 59749-D.)**

Samples of this flour were found to contain sand.

On May 3, 1939, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 57 cases, each containing a number of packages of buckwheat and wheat flour, at Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about January 13 and March 21, 1939, by the France Milling Co. from Cobleskill, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swansdown Self Rising Buckwheat and Wheat Flour \* \* \* Packed Expressly For S. S. Pierce Co. Boston."

Adulteration was alleged in that buckwheat and wheat flour containing sand had been mixed with the article so as to reduce or lower its quality and had been substituted wholly or in part for the said article.

On June 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30567. Adulteration of tomato paste. U. S. v. 99 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 45202. Sample No. 44756-D.)**

This product contained filth resulting from insect infestation.

On April 17, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of tomato paste at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about January 15, 1939, from Los Angeles, Calif., by Val Vita Food Products, Inc.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Val Vita Brand Tomato Paste."

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

On May 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30568. Adulteration and misbranding of egg noodles. U. S. v. 89 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. & D. No. 44691. Sample Nos. 12310-D, 13222-D, 13223-D, 13224-D.)**

This product contained added carotene, a coloring matter.

On January 20, 1939, the United States attorney for the Northern 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 89 cases of egg noodles at Schenectady, N. Y.; alleging that the article had been shipped within the period from on or about April 27, 1938, to on or about May 4, 1938, by Pfaffman Co. from Cleveland, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pfaffman's Chicken Dinner \* \* \* All Eggs No Coloring Pure Egg Noodles."

It was alleged to be adulterated in that a substance containing added coloring, carotene, had been substituted for egg noodles, which it purported to be.

The article was alleged to be misbranded in that the statements, "All Eggs No Coloring \* \* \* Pure Egg Noodles," were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of egg noodles and carotene, an added coloring matter.

On March 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30569. Adulteration of crab meat. U. S. v. Five Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 45271. Sample No. 43559-D.)**

This product had been shipped in interstate commerce and remained unsold in the original packages. At the time of the examination it was found to be in part decomposed.

On May 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 a libel praying seizure and condemnation of five cans of crab meat at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about April 22, 1939, from Cushman, Oreg., by Waldport Sea Food Co., Inc.; and charging adulteration in violation of the Food and Drugs Act.