

conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 9, 1939, the Torsch Canning Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

30595. Adulteration of maple sirup. U. S. v. 83 Drums and 67 Drums of Maple Sirup. Consent decrees of condemnation. Product released under bond to be deleaded. (F. & D. Nos. 45296, 45338. Sample Nos. 60001-D, 60007-D.)

Analyses of this product showed that it contained lead.

On May 15, 1939, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 150 drums of maple sirup at Burlington, Vt.; alleging that the article had been shipped on or about May 1 and May 3, 1939, by United Maple Products, Ltd., in part from De Kalb Junction, N. Y., and in part from Edwards, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

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

On May 24, 1939, United Maple Products, Ltd., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be deleaded under the supervision of this Department.

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

30596. Adulteration of frozen fish fillets. U. S. v. 200 Boxes of Perch Fillets and 67 Boxes of Whiting. Default decree of condemnation. Product ordered converted into fertilizer. (F. & D. Nos. 44839, 44840. Sample Nos. 54320-D, 54321-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination a portion was found to contain parasites and a portion was decomposed.

On February 17, 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 267 boxes of fillets at Chicago, Ill.; alleging that the article had been shipped on or about February 2, 1939, by New England Fillet Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Perch Fillets" and "H and G Whiting."

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

On April 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

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

30597. Adulteration of whitefish roe. U. S. v. Three Cases and One Barrel of Whitefish Roe (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 45171, 45172, 45173, 45193. Sample Nos. 60603-D to 60606-D, inclusive.)

This product contained parasitic worms; a portion also contained fish scales and miscellaneous tissue.

On April 11 and 13, 1939, the United States attorneys for the Southern and the Eastern Districts of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of three cases and one barrel of whitefish roe at New York, N. Y., and two boxes and one tub of fish roe at Brooklyn, N. Y., consigned in part by Stanley Johnson from Sturgeon Bay, Wis., and in part by George Dent from Two Rivers, Wis.; alleging that the article had been shipped in interstate commerce within the period from on or about March 13 to on or about April 3, 1939; and charging adulteration in violation of the Food and Drugs Act.

The libels alleged adulteration with respect to a portion in that it consisted in whole or in part of a filthy animal substance, and with respect to the remainder, in that it consisted of portions of an animal unfit for food.

On May 3 and 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30598. Adulteration of flour. U. S. v. 35 Bags of Flour (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43604, 43605, 43606. Sample Nos. 37969-D, 37970-D, 37971-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it 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 three libels praying seizure and condemnation of 483 bags of flour at Hattiesburg, Miss.; alleging that the article had been shipped on or about July 6, 1938, from Chattanooga, Tenn., by Mountain City Mill Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gold Medal Best Patent Flour."

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

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

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

30599. Adulteration of crab meat. U. S. v. Clarence Taylor Slaughter. Plea of guilty. Fine, \$50. (F. & D. No. 38640. Sample Nos. 39922-B, 39925-B, 7931-C, 7933-C, 7934-C.)

This product contained evidence of the presence of filth.

On August 19, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence Taylor Slaughter, Morattico, Va., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about July 19 to on or about August 8, 1936, from the State of Virginia into the State of Maryland of quantities of crab meat which was adulterated.

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

On April 21, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$50.

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

30600. Adulteration of apple butter. U. S. v. California Preserving Co. Plea of not guilty. Tried to the court. Judgment of guilty. Fine, \$100. (F. & D. No. 38687. Sample No. 21831-C.)

Samples of this product were found to contain insect and worm fragments, also excessive mold.

On May 4, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Preserving Co., a corporation, Los Angeles, Calif.; alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 16, 1936, from the State of California into the State of Oregon, of a quantity of apple butter which was adulterated. The article was labeled in part: "Catalina Brand Pure Apple Butter."

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

On June 1, 1937, a plea of not guilty was entered on behalf of the defendant; and the case, after a series of continuances, came on for trial before the court without a jury on March 28, 1939. On March 29, 1939, the court adjudged the defendant guilty and handed down the following oral opinion:

JENNEY, *Judge*: "The court finds itself unable to follow the distinguished judge in the District Court of Washington, Judge Cushman. I feel in the particular cases which he had before him, that there were circumstances which led him to make emphasis on the question of unfitness for human food.

"He says here in the case of *United States v. 2,995 Cases of Canned Salmon*: "This case defines an adulterated article of food as follows: "* * * that is, an article of food is adulterated when it consists in whole or in part of filthy, decomposed, or putrid animal substance, making it unfit for human food; * * *."