

30652. Adulteration of corn meal. U. S. v. 197 Bags of Corn Meal. Default decree of condemnation and destruction. (F. & D. No. 43840. Sample No. 30613-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 September 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 197 bags of corn meal at Big Spring, Tex.; alleging that the article had been shipped on or about July 29, 1938, from St. Joseph, Mo., by Quaker Oats Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Aunt Jemima White Cream Corn Meal."

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

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

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30653. Adulteration and misbranding of frozen egg yolks, and misbranding of frozen whole eggs. U. S. v. Nye & Nissen, Inc. Plea of guilty. Fine, \$60. (F. & D. No. 42693. Sample Nos. 18133-D, 18134-D.)

Samples of the frozen egg yolks were found to contain excessive whites and undeclared added sugar. Samples of the frozen whole eggs were found to contain undeclared added sugar.

On March 30, 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 Nye & Nissen, Inc., San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on May 13, 1938, from the State of California into the Territory of Hawaii, of quantities of frozen egg yolks that were adulterated and misbranded and frozen whole eggs that were misbranded.

The frozen egg yolks were alleged to be adulterated in that substances, namely, egg yolk, egg whites, and sugar, had been substituted for a product consisting of egg yolk, which the article purported to be. Misbranding of the frozen egg yolks was alleged in that the statement "Yolks," borne on the cans, was false and misleading since it represented that the article consisted of egg yolk; whereas it did not consist of egg yolk, but did consist in part of excessive egg whites and added sugar; and said statement was borne on the cans so as to deceive and mislead the purchaser.

The frozen whole eggs were alleged to be misbranded in that the statement "Whole," borne on the cans, was false and misleading since it represented that the article consisted entirely of whole eggs; whereas it did not consist of whole eggs, but did consist in part of added sugar; and said statement was borne on the cans so as to deceive and mislead the purchaser.

On May 15, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$60.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30654. Adulteration of shad. U. S. v. 324 Cases of Shad (and 2 similar seizure actions). Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. Nos. 43923, 43924, 44000, 44001, 44002, 44003. Sample Nos. 33979-D, 37081-D, 37082-D.)

Samples of this product were found to be decomposed.

On September 21 and 30, 1938, the United States attorneys for the Eastern and the Western Districts of Virginia, acting upon reports by the Secretary of Agriculture, filed in their respective districts courts three libels praying seizure and condemnation of 802 cases of canned shad at Norfolk, Va., and 650 cases of canned shad at Lynchburg, Va.; alleging that the article had been shipped in interstate commerce on or about August 22 and 26 and September 23, 1938, from Oakland and from San Francisco, Calif., by F. E. Booth Co., Inc.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Crescent Brand Spring Pack Shad."

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

On December 14, 1938, and January 31, 1939, C. P. Door having appeared as claimant and having admitted the allegations of the libels, judgments of con-