

30906. Adulteration of butter. U. S. v. Farmers Union Cooperative Creamery Co., Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 42730. Sample Nos. 32977-D, 32978-D, 45620-D, 45622-D, 54101-D, 54107-D.)

This product was found to be deficient in milk fat.

On July 27, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Union Cooperative Creamery Co., Inc., of Superior, Nebr., alleging shipment by said company in violation of the Food and Drugs Act on or about July 29, September 19, and September 27, 1938, from the State of Nebraska into the State of Illinois of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a substance containing 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 the act of March 4, 1923.

On September 23, 1939, a plea of guilty was entered and the court assessed a fine of \$50 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30907. Adulteration of frozen fish. U. S. v. 878 Boxes and 131 Boxes of Fish. One lot released under bond for segregation and destruction of unfit portion. Remaining lot condemned and ordered destroyed. (F. & D. Nos. 45361, 45428. Sample Nos. 62699-D, 65237-D.)

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

On or about May 27 and June 7, 1939, the United States attorneys for the Northern District of Texas and the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels (the former amended June 30, 1939) praying seizure and condemnation of 878 boxes of frozen fish at Dallas, Tex., and 131 boxes of frozen fish at Columbus, Ohio; alleging that the article had been shipped on or about April 22 and May 4, 1939, by the Booth Fisheries Corporation from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Booth Tasty Loins [or "Twin Tasty Loins"] * * * Booth Sea Foods."

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

On July 5, 1939, Booth Fisheries Corporation having appeared as claimant for the lot seized at Dallas, Tex., a decree was entered ordering release of the product under bond conditioned that it be reexamined, that all fish found to be unfit for human consumption be destroyed, and the remainder, if any, be released. On November 21, 1939, no claimant having appeared for the lot seized at Columbus, Ohio, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30908. Adulteration of flour. U. S. v. 58 Bags and 35 Bags of Flour. Consent decree of condemnation. Product taken down under bond for denaturing and for use as feed for hogs. (F. & D. Nos. 45356, 45357. Sample Nos. 43700-D, 43701-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 infested with insects.

On May 23, 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 combining the two causes of action and praying seizure and condemnation of 93 bags of flour at San Francisco, Calif.; alleging that the article had been shipped on or about December 23, 1937, and February 11, 1938, respectively, by Houser & Son from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "The Master Baker."

Adulteration of the product was alleged in that it consisted wholly or in part of a filthy vegetable substance.

On August 3, 1939, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was taken down under bond for denaturing and for use as feed for hogs.

GROVER B. HILL, *Acting Secretary of Agriculture.*