

30932. Adulteration of butter. U. S. v. 40 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45285. Sample No. 54157-D.)

This product contained less than 80 percent by weight of milk fat.

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 40 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 25, 1938, by the Deer Creek Creamery Co., from Atchison, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product 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 of milk fat, as provided by the act of March 4, 1923.

On May 2, 1939, the Deer Creek Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

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

30933. Misbranding of canned peas. U. S. v. 49 Cases of Peas. Default decree of condemnation and destruction. (F. & D. No. 45558. Sample No. 13740-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On September 1, 1939, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned peas at Savannah, Ga.; alleging that the article had been shipped in interstate commerce on or about July 28, 1939, by C. C. Lang & Son, Inc., from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Merlosa Brand Early June Peas * * * The H. J. McGrath Co., Baltimore, Md., Distributors."

It 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 the peas were not immature 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.

On September 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30934. Adulteration of candy. U. S. v. 3½ Boxes and 18 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43152, 43153. Sample Nos. 37624-D, 37625-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 or about August 1, 1939, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3½ boxes and 18 cartons of candy at Tupelo, Miss.; alleging that the article had been shipped within the period from on or about November 2, 1937, to on or about May 9, 1938, by Mars, Inc., from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Two Bits 5¢" or "Snickers 5¢."

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

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

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

30935. Adulteration of whitefish roe. U. S. v. Rawley Fish Co. Plea of guilty. Fine, \$75. (F. & D. No. 42756. Sample Nos. 26599-D, 59829-D.)

This product contained parasitic worms, and samples taken from one of the shipments also were found to contain fish scales and nondescript tissue fragments.