

Pa., alleging that the article had been shipped in interstate commerce on or about September 23, 1939, one lot by Sam A. Miller from Dover, Del., and one by J. T. Fisher from Poolesville, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On September 25, 1939, the court having found that the product was spoiled and the consignee having recommended its immediate destruction, judgment was entered ordering that it be destroyed.

**570. Adulteration of cream. U. S. v. Three 5-Gallon Cans and Five 10-Gallon Cans of Cream (and 3 other seizure actions involving cream). Default decrees of condemnation and destruction.** (F. D. C. Nos. 345, 1793, 1794, 1900. Sample Nos. 30793-D, 6663-E, 6670-E, 6675-E.)

This product was in whole or in part filthy and decomposed.

On July 22, 1939, and March 15, 20, and 23, 1940, the United States attorney for the District of Colorado filed libels against eight 5-gallon cans, one 8-gallon can, and seven 10-gallon cans of cream at Denver, Colo., alleging that it had been shipped in interstate commerce on or about July 18, 1939, and March 12, 16, and 21, 1940, by various shippers, namely: Fremont Dairymen's Cooperative Marketing Association, from Hudson, Wyo.; U. R. Wichern, from Cody, Wyo.; G. E. Thompson, from Ogallala, Nebr.; Mrs. Albert Bogaerf, from Madrid, Nebr.; Joe Poloncek, from Ogallala, Nebr.; Lorenzo Jacobsen, from Montpelier, Idaho; Robert F. Day, from Floydada, Tex.; James McKenna, from Norton, Kans.; and Lowell McCabe, from Norton, Kans.

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

The consignees having admitted the allegations of the libels and having consented to the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the actions.

#### EGGS

**571. Adulteration of shell eggs. U. S. v. 162 Cases of eggs. Default decree of condemnation and destruction.** (F. D. C. No. 1877. Sample No. 13652-E.)

This product was in whole or in part decomposed and otherwise inedible.

On or about April 26, 1940, the United States attorney for the Western District of Washington filed a libel against 162 cases of shell eggs at Takoma, Wash., alleging that the article had been shipped in interstate commerce on or about April 12, 1940, by Mountain Valley Produce from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance or was otherwise unfit for food. It was labeled in part: "Uncandled" or "Rots."

On May 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**572. Adulteration of frozen whole eggs. U. S. v. 200 Cans of Frozen Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 1653. Sample No. 13326-E.)

This product was in interstate commerce when examined and was found to be in whole or in part decomposed at that time.

On March 20, 1940, the United States attorney for the Territory of Hawaii filed a libel against 200 cans of frozen eggs at Honolulu, T. H., consigned by Swift & Co., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, from Portland, Oreg.; and charging that it was adulterated in that it was in whole or in part filthy, putrid, decomposed, and otherwise unfit for food.

On April 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**573. Adulteration of frozen eggs. U. S. v. 1,254 Cans of Frozen Eggs. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 1968. Sample No. 7830.)

This product was in interstate commerce at the time of examination and was found to be in part decomposed at that time.

On May 14, 1940, the United States attorney for the Southern District of California filed a libel against 1,254 cans of frozen eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 24, 1940, by the Lubbock Poultry & Egg Division of Wilson & Co.,

from Lubbock, Tex.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On May 15, 1940, Wilson & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

**574. Adulteration of frozen eggs. U. S. v. 284 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction or denaturing of unfit portion.** (F. D. C. No. 1837. Sample No. 10340-E.)

This product was in interstate commerce at the time of examination and was found to be in part decomposed at that time.

On April 18, 1940, the United States attorney for the Eastern District of New York filed a libel against 284 cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 23, 1939, by Peter Fox Sons Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a putrid and decomposed substance.

On May 29, 1940, Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed or denatured.

### FISHERIES PRODUCTS

**575. Misbranding of canned bonita. U. S. v. 130 Cases of Canned Bonita. Consent decree of condemnation and forfeiture. Product released under bond for relabeling.** (F. D. C. No. 1747. Sample No. 10412-E.)

This product was shipped in unlabeled cans; and therefore failed to comply with the requirements of the law prescribing the labeling of food in package form.

On April 4, 1940, the United States attorney for the Southern District of New York filed a libel against 130 cases, each containing 48 cans, of bonita at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by the French Sardine Co., Inc., from Terminal Island, Calif.; and charging that it was misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

On April 17, 1940, the New York Wholesale Grocery Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be labeled as required by law.

Nos. 576 to 580 report the seizure and disposition of fish which was in interstate commerce at the time of examination and was found to be in whole or in part decomposed at that time.

**576. Adulteration of frozen cod fillets. U. S. v. 22 Boxes of Frozen Cod Fillets. Default decree of condemnation. Product ordered converted into fertilizer.** (F. D. C. No. 1623. Sample Nos. 4301-E, 4302-E.)

On March 13, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, by Atlantic Coast Fisheries Corporation of New York, from Princeton, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Atco Brand Fresh Frozen Fillets."

On April 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of by being converted into fertilizer.

**577. Adulteration of buffalo fish. U. S. v. 12 Boxes of Dressed Buffalo Fish. Default decree of condemnation and destruction.** (F. D. C. No. 1892. Sample No. 15098-E.)

On April 27, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 12 boxes, each containing 120 pounds, of dressed buffalo fish at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 9, 1940, by Independent Fish Co. from