3020. Adulteration of ice cream cones. U. S. v. 99 Boxes of Cake Cones. Default decree of condemnation and destruction. (F. D. C. No. 5458. Sample No. 47875-E.)

This product contained insect and rodent-hair fragments.

On August 29, 1941, the United States attorney for the Northern District of Ohio filed a libel against 99 boxes each containing 250 cake cones at Toledo, Ohio, alleging that the article had been transported in interstate commerce on or about March 29, 1941, from the Atlas Cone & Candy Manufacturing Co., Detroit, Mich., in the truck of the consignee; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Baby Grand Cake Cones."

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3021. Misbranding of chicken tamales. U. S. v. Stidd's, Inc. Plea of guilty. Fine, $2. (F. D. C. No. 2855. Sample Nos. 13160-E, 13165-E.)

This product was short of the declared weight.

On October 30, 1940, the United States attorney for the District of Oregon filed an information against Stidd's, Inc., a corporation at Portland, Oreg., alleging introduction and delivery for introduction in interstate commerce on or about September 25, 1939, and March 6, 1940, from the State of Oregon into the State of Washington of quantities of chicken tamales that were misbranded.

The article was alleged to be misbranded (1) in that the statement "Net Contents 10 Oz. Avoir.," borne on the can label, was false and misleading since the cans contained less than 10 ounces of food; and (2) in that it was in package form and did not bear on its label an accurate statement of the quantity of contents in terms of weight.

On November 7, 1940, the defendant entered a plea of guilty and the court imposed a fine of $1 on each of the two counts.

FEED

3022. Adulteration of cottonseed screenings. U. S. v. Armour & Co. (The Pine Bluff Cotton Oil Mill). Plea of nolo contendere. Fine, $25. (F. D. C. No. 5569. Sample No. 25366-E.)

Examination showed that this product contained not over 38.69 percent of crude protein.

On March 4, 1942, the United States attorney for the Eastern District of Arkansas filed an information against Armour & Co., doing business as the Pine Bluff Cotton Oil Mill at Pine Bluff, Ark., alleging shipment on or about February 5, 1941, from the State of Arkansas into the State of Kansas of a quantity of the above-named product which was misbranded. It was labeled in part: "100 Pounds Net 'Navy' Brand Prime Quality 41.00% Protein Cottonseed Cake and Meal Manufactured For And Guaranteed By Louis Tobian & Company Dallas, Texas. Guaranteed Analysis: Crude Protein, not less than 41.00%."

The article was alleged to be misbranded in that the statements "41.00% Protein Cottonseed Cake and Meal" and "Crude Protein, not less than 41.00%," appearing on the tag, were false and misleading since they represented that the food contained not less than 41 percent of crude protein; whereas it contained not more than 38.69 percent of crude protein.

On April 20, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $25.

3023. Misbranding of alfalfa leaf meal and alfalfa meal. U. S. v. 29 Bags of Alfalfa Leaf Meal and 276 Bags of Alfalfa Meal. Consent decree of condemnation. Products ordered released under bond for relabeling. (F. D. C. No. 5687. Sample Nos. 18668-E, 18669-E.)

These products contained less protein and more fiber than the percentages declared.

On September 11, 1941, the United States attorney for the District of Maryland filed a libel against 29 bags of alfalfa leaf meal and 276 bags of alfalfa meal at Washington Grove, Md., alleging that the articles had been shipped in interstate commerce on or about August 4, 1941, by Saunders Mills, Inc., from Toledo, Ohio; and charging that they were misbranded. They were labeled in part: "Carotene Brand Leaf Meal" or "Alfalfa Meal."