

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."

The articles were alleged to be misbranded in that the following statements in the labeling, (Carotene brand leaf meal) "Crude Protein, not less than 20.0 Per Cent * * * Crude Fiber, not more than 18.0 Per Cent" and (alfalfa meal) "Crude Protein, not less than 13.0 Per Cent * * * Crude Fiber, not more than 33.0 Per Cent," were false and misleading as applied to articles that contained an average of 16.80 percent crude protein and 29.16 percent crude fiber in the case of the former, and 12.42 percent crude protein and 36.58 percent crude fiber, in the case of the latter.

On October 30, 1941, Saunders Mills, 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 relabeled in compliance with the law under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

3024. Adulteration and misbranding of butter. U. S. v. 400 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into animal food. (F. D. C. No. 2721. Sample No. 4063-E.)

On August 13, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 400 cartons, each containing 32 1-pound rolls of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about July 27, 1940, by Armour & Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Goldendale Butter."

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

It was alleged to be misbranded (1) in that the statements in the labeling, "1 lb. rolls" and "1 lb. net," were false and misleading since they were incorrect; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On November 9, 1940, claimants Armour & Co., Pilly & Sons, Inc., Springfield, Mo., and O. E. Moore, Aurora, Mo., having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered and it was ordered released under bond to claimant Pilly & Sons, Inc., for conversion into animal food at Sioux City, Iowa, or Omaha, Nebr. On December 13, 1940, the decree was amended to permit shipment of the product to claimant's plant at Buffalo, N. Y., for reconditioning.

3025. Adulteration of butter. U. S. v. 8 Cartons and 12 Cartons of Butter. Consent decrees of condemnation. Product ordered released under bond to be converted into butter oil. (F. D. C. Nos. 6036, 6037. Sample Nos. 62276-E, 62277-E.)

Examination of this product showed the presence of mold.

On September 16, 1941, the United States attorney for the Northern District of Illinois filed libels against 20 cartons of butter at Chicago, Ill., alleging that the product had been shipped in interstate commerce on September 11 and 12, 1941, by the La Belle Creamery Co. from La Belle, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On January 8, 1942, S. Kramme and Peder Kristensen, trading as K & K Creamery Co., Chicago, Ill., claimants, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be converted into purified butter oil.

3026. Adulteration of butter. U. S. v. 50 Cubes of Butter (and 1 additional seizure action against butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 6380, 6547. Sample Nos. 54159-E, 54164-E.)

This product contained mold.

On November 22 and November 29, 1941, the United States attorney for the Middle District of Pennsylvania filed libels against 63 cubes of butter at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about November 4 and 10, 1941, by Wilson & Co. from Oklahoma City, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 17 and April 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. The decree, however, provided that the marshal might sell the product at public auction