

**4141. Adulteration of cream. U. S. v. 4 Cans of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 8218. Sample No. 4005-F.)**

On August 13, 1942, the United States attorney for the Southern District of Ohio filed a libel against 4 5-gallon cans of cream, at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce in various shipments by J. N. Cline, Chris W. Gosney, and Theodore Roseberry from Butler, Ky., and W. M. Sancen from Falmouth, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On August 25, 1942, the consignee having consented to the immediate destruction of the product, judgment was entered ordering that it be destroyed.

**4142. Adulteration of cream. U. S. v. 2 10-gallon Cans of Cream. Consent decree of destruction. (F. D. C. No. 8523. Sample No. 15227-F.)**

On September 21, 1942, the United States attorney for the District of Colorado filed a libel against 2 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about September 12, 1942, by the St. Francis Ex. (St. Francis Equity Exchange) from St. Francis, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 21, 1942, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering the immediate destruction of the product.

**4143. Adulteration of evaporated milk. U. S. v. 88 Cases of Evaporated Milk. Consent decree of condemnation. Product ordered released under bond for salvaging good portion. (F. D. C. No. 8377. Sample Nos. 4766-F, 4767-F.)**

On September 19, 1942, the United States attorney for the Southern District of Ohio filed a libel against 88 cases, each case containing 48 cans, of evaporated milk at Cincinnati, Ohio, which had been consigned on or about August 11, 1942, alleging that the article had been shipped in interstate commerce by the Columbus S. & T. Co. and the Pennsylvania Railroad Co. from Grand Rapids, Mich., and Crothersville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, namely, sour and curdled milk, and was otherwise unfit for food. The article was labeled in part: (Cans) "White House Evaporated Milk \* \* \* The Great Atlantic & Pacific Tea Company, New York, N. Y. Manufacturer," or "Pet Irradiated—Evaporated Milk \* \* \* Manufactured by Pet Milk Company Arcade Bldg., St. Louis, Mo."

On September 30, 1942, the Pennsylvania Railroad 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 for salvaging the good portion under the supervision of the Food and Drug Administration.

**4144. Misbranding of vegetable oleomargarine. U. S. v. 86 Cartons and 97 Cases of Vegetable Oleomargarine. Decree of condemnation. Portion of product ordered denatured and sold for technical purposes. Remainder ordered released under bond for reprinting and repackaging. (F. D. C. Nos. 7882, 8015. Sample Nos. 91963-E, 9208-F.)**

On July 10 and 28, 1942, the United States attorneys for the Northern and Southern Districts of Alabama filed libels against 86 cartons of vegetable oleomargarine at Birmingham, Ala., and 97 cases of vegetable oleomargarine at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 1 and 19, 1942, by the Miami Margarine Co. from Cincinnati, Ohio, and charging that it was misbranded. It was labeled in part: (Retail carton) "Delmar Vegetable Oleomargarine," or "Nu-Maid Vegetable Oleomargarine."

The portion of the article located at Birmingham was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation promulgated pursuant to law, and it failed to conform to such definition and standard since it contained less than 80 percent of fat and such regulation requires that oleomargarine contain not less than 80 percent of fat. The portion located at Mobile was alleged to be misbranded in that the statement on the carton label, "1 Pound Net Weight," was false and misleading since the weight was less than that declared.

On August 7, 1942, the Miami Margarine Co., claimant for the product seized at Mobile, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprinted or repackaged under the supervision of the Food and Drug Administration.

On September 10, 1942, no claimant having appeared for the product located at Birmingham, judgment of condemnation was entered and it was ordered denatured and sold to rendering plants to be manufactured into glycerine or other product to be used for war purposes.

**4145. Misbranding of oleomargarine. U. S. v. 36 Cases, 600 Cases, and 200 Cases of Oleomargarine. Consolidated decree of condemnation. Product ordered released under bond.** (F. D. C. Nos. 7854, 7966. Sample Nos. 93259-E, 12809-F.)

On July 6 and 23, 1942, the United States attorney for the District of Oregon filed libels against 36 cases each containing 15 2-pound prints of oleomargarine at Klamath Falls, Ore., and 600 cases each containing 15 2-pound cartons and 200 cases each containing 30 1-pound cartons of oleomargarine at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 29 and July 3, 1942, by the Vegetable Oil Products Co., Inc., from Los Angeles and Wilmington, Calif.; and charging that it was misbranded. The article was labeled in part: "Sunny Bank Vegetable Vitamin A Added Oleomargarine."

It was alleged to be misbranded in that it purported to be oleomargarine, a food for which a definition and standard of identity had been prescribed by regulations as provided by law and it failed to conform to such definition and standard since it contained less than 80 percent of fat, namely, from 74.10 to 79.70 percent of fat. It was alleged to be misbranded further in that the statement "Vegetable Fats 81%" borne on the label was false and misleading.

On September 3, 1942, the Vegetable Oil Products Co., Inc., having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

#### EGGS

**4146. Adulteration of turkey eggs. U. S. v. Max W. Poehlmann, Nathan C. Thompson, and William H. Warner, (Poehlmann Hatchery). Plea of guilty. Fine \$50.** (F. D. C. No. 7684. Sample No. 23392-E.)

On September 21, 1942, the United States attorney for the District of Utah filed an information against Max W. Poehlmann, Nathan C. Thompson, and William H. Warner, copartners trading as Poehlmann Hatchery at Salt Lake City, Utah, alleging shipment on or about March 20, 1942, from the State of Utah into the State of California of a quantity of turkey eggs which were adulterated in that they consisted in whole or in part of a decomposed and putrid substance.

On October 5, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

**4147. Adulteration of frozen eggs. U. S. v. Washington Co-operative Egg and Poultry Association. Plea of nolo contendere. Judgment of guilty. Fine, \$100.** (F. D. C. No. 6454. Sample Nos. 53125-E, 53133-E, 60164-E, 60165-E.)

On May 13, 1942, the United States attorney for the Western District of Washington filed a libel against the Washington Co-operative Egg and Poultry Association, a corporation, of Vancouver, Wash., alleging shipment within the period from on or about April 8 to on or about May 26, 1941, from the State of Washington into the States of California and Oregon of quantities of frozen eggs which were adulterated in that they consisted in whole or in part of putrid and decomposed substances.

On September 11, 1942, a plea of nolo contendere having been entered, the court adjudged the defendant guilty and imposed a fine of \$100.

**4148. Adulteration of frozen whole eggs. U. S. v. 210 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 8317. Sample No. 12740-F.)

On September 3, 1942, the United States attorney for the Eastern District of Washington filed a libel against 210 cans of frozen eggs at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about July 7, 1942, by the Fergus County Creamery from Lewistown, Mont.; and