

On March 24 and 30, 1943, the United States attorneys for the Districts of Maine, Rhode Island, and New Hampshire filed libels against 251 cartons of imitation butter at Portland, Maine, 9 cases at Providence, R. I., and 117 cartons at Manchester, N. H., alleging that the article had been shipped in interstate commerce within the period from on or about March 15 to 17, 1943, by H. P. Hood & Sons from Charlestown, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Net Weight—One Pound Hood's Creamery Pack Contains Butterfat and Milk Solids, obtained from cream and milk, with color, stabilizer and salt added."

The article was alleged to be adulterated (1) in that it purported to be butter and a valuable constituent, fat, had been in whole or in part omitted therefrom; (2) in that water had been substituted in part for butterfat; (3) in that inferiority had been concealed by the addition of gum and gelatin; and (4) in that water had been added thereto or mixed or packed therewith so as to increase its weight and reduce its quality.

It was alleged to be misbranded (1) in that the name "Creamery Pack" was false and misleading as applied to the article; (2) in that it was an imitation of another food, butter, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (3) in that its label failed to bear the common or usual name of the food; and (4) in that it had been fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On April 9, 1943, the cases instituted in the Districts of New Hampshire and Rhode Island were transferred to the District of Maine and consolidated with the lot seized at Auburn, Maine. On July 13, 1943, the consolidated cases and the case involving the lot seized at Portland, Maine, were called and heard and, the claimant having assented, judgments of condemnation were entered and the product was ordered sold to a rendering plant.

4981. Adulteration of oleomargarine. U. S. v. 31 Cases of Vegetable Oleomargarine. Default decree of condemnation and destruction. (F. D. C. No. 9176. Sample No. 7098-F.)

On January 12, 1943, the United States attorney for the Southern District of Illinois filed a libel against 31 cases, each containing 32 cartons, of oleomargarine at Granite City, Ill., alleging that the article had been shipped in interstate commerce on or about December 19, 1942, by the Blanton Co., St. Louis, Mo.; and charging that it was misbranded in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity has 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. The article was labeled in part: (Carton) "Packed for Tri-City Grocery Co. Granite City, Illinois."

On March 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

EGGS

4982. Adulteration of whole eggs. U. S. v. Marshall Kirby & Co. Plea of guilty. Fine, \$200. (F. D. C. No. 7672. Sample No. 84220-E.)

On February 10, 1943, the United States attorney for the Southern District of Indiana filed an information against Marshall Kirby & Co., a corporation, at Terre Haute, Ind., alleging shipment on or about December 5, 1941, from the State of Indiana into the State of New York of a quantity of whole eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On June 5, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

4983. Adulteration of frozen whole eggs. U. S. v. 6,800 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8357. Sample Nos. 6209-F to 6212-F, incl., 7024-F to 7028-F, incl.)

On September 15, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 6,800 30-pound cans of frozen whole eggs at National Stock Yards, Ill., alleging that the article had been shipped in interstate commerce in the period from on or about May 22 to July 24, 1942, by Marshall Kirby & Co., from Terre Haute, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 6, 1942, Marshall Kirby & Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released

under bond for segregation of the fit portion from the unfit portion and destruction of the latter under the supervision of the Federal Security Agency.

4984. Adulteration of frozen whole eggs. U. S. v. 1,954 Cans of Frozen Whole Eggs. Product ordered released under bond for segregation of the fit portion from the unfit portion and disposal of the latter for purposes other than human consumption. (F. D. C. No. 9049. Sample No. 9566-F.)

On December 12, 1942, the United States attorney for the Northern District of Alabama filed a libel against 1,954 cans, each containing 30 pounds, of frozen whole eggs at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about December 3, 1942, by L. D. Schreiber & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On January 4, 1943, L. D. Schreiber & Co., having appeared as claimant, the court ordered the marshal to deliver the product to the claimant upon the execution of a bond conditioned that the product be inspected and the good portion segregated from the bad at the premises where seized, but that if removal were necessary or desirable an additional bond be posted conditioned upon disposition of the product under the supervision of the Food and Drug Administration. On January 12, 1943, the product having been inspected and sorted as directed, and 1,261 cans having been found to be fit for food, they were ordered released to the claimant and the 692 unfit cans were ordered disposed of for purposes other than human consumption.

4985. Adulteration of eggs. U. S. v. 210 Cases of Eggs. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9413. Sample No. 14638-F.)

On February 22, 1943, the United States attorney for the Southern District of California filed a libel against 210 cases, each containing 30 dozen eggs, at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 3, 1943, by Midwest Cold Storage from Kansas City, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Distributed by Joe Olson, Inc. Kansas City, Kans."

On March 19, 1943, West Coast Marketing, Inc., of Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

4986. Adulteration of dried eggs. U. S. v. 5 Barrels, 19 Barrels, and 1 Barrel of Dried Eggs. Default decrees of condemnation and destruction. (F. D. C. Nos. 9602, 9603, 9866. Sample Nos. 37941-F, 37942-F, 44210-F.)

On March 24 and April 26, 1943, the United States attorneys for the Northern District of Illinois and the Eastern District of New York filed libels against 24 barrels of dried whole eggs at Chicago, Ill., and 1 barrel at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about January 2 to March 6, 1943, by the Monark Food Products Co. from Hutchinson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 1 and 3, 1943, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4987. Adulteration and misbranding of frozen egg yolks with added sugar. U. S. v. Marshall Kirby Co. Plea of guilty. Fine, \$100. (F. D. C. No. 8812. Sample Nos. 31373-E, 31377-E.)

On February 11, 1943, the United States attorney for the Southern District of Indiana filed an information against Marshall Kirby & Co., a corporation, at Terre Haute, Ind., alleging shipment on or about May 10, 1941, from the State of Indiana into the State of Michigan of a quantity of adulterated and misbranded frozen egg yolks with added sugar.

The article was alleged to be adulterated in that a substance consisting of egg yolks, added egg white, and approximately 10 percent of sugar had been substituted for egg yolks with approximately 10 percent of sugar added, which it was represented to be.

It was alleged to be misbranded in that the statement, "Frozen Egg Yolks with approx. 10% Sugar added," appearing on the label, was false and misleading as applied to a product consisting of a mixture of egg yolks and added egg white with approximately 10 percent of sugar added.

On June 5, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.