

misleading since the article contained not more than 61,890 units of vitamin A per pound and not more than 9,000 units of vitamin D per pound.

The "Semi-Solid Chick Emulsion" was alleged to be adulterated in that a valuable constituent, vitamin D, had been in part omitted or abstracted therefrom since it was represented to contain not less than 1,800 units of vitamin D per pound, whereas it contained not more than 1,500 units of vitamin D per pound. It was alleged to be misbranded in that the statement, "Minimum Analysis Per Pound * * * Vitamin D 1,800," appearing on the label, was false and misleading since the article contained not more than 1,500 units of vitamin D per pound.

On October 9, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 on each of the six counts of the information.

4991. Misbranding of cottonseed cake or meal. U. S. v. Chickasha Cotton Oil Co. (Hobart Cotton Oil Co.) Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 7718. Sample Nos. 73741-E, 73742-E.)

This product was short in protein, a portion containing only 39.19 percent of protein, and the remainder containing but 39.31 percent of protein.

On November 2, 1942, the United States attorney for the Western District of Oklahoma filed an information against the Chickasha Cotton Oil Co., a corporation trading as Hobart Cotton Oil Co. at Hobart, Okla., alleging shipment on or about March 23, 1942, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed cake or meal that was misbranded. The article was labeled in part: "Chickasha Quality 43.00% Protein Cottonseed Cake or Meal * * * Guaranteed Analysis Protein, not less than . . . 43.00%."

The product was alleged to be misbranded in that the statement, "43.00% Protein * * * Guaranteed Analysis Protein, not less than . . . 43.00%," borne on the tag, was false and misleading since it contained less than 43 percent of protein.

On November 19, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and \$20 costs.

4992. Misbranding of No Milk Calf Food. U. S. v. 1,394 Bags of No Milk Calf Food. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9200. Sample No. 7952-F.)

On January 21, 1943, the United States attorney for the District of Minnesota filed a libel against 1,394 25-pound bags of an article labeled in part, "No Milk Calf Food," at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about December 14, 1942, by the National Food Co., from Fond du Lac, Wis.

The article was alleged to be misbranded in that reference to "No Milk" in the name of the article, and the following statements in the circulars, "No-Milk Calf Food Raises Calves Without Milk * * * The Perfect Milk Substitute * * * One Quart NO-MILK GRUEL takes the place of one quart of whole milk. * * * a 100-lb. bag of NO-MILK Calf Food replaces 1,000 lbs. of whole milk * * * The profit you make on your veal calves is determined by the number of pounds you can make them gain before market time. You can raise them cheaply on No-Milk Calf Food to a size that will bring a better price and a profit to you," were false and misleading since they represented and suggested that calves could be raised with the product, without milk, and that it was nutritionally equivalent to milk, whereas calves cannot be raised without milk, the article is not nutritionally equivalent to milk, and it cannot fulfill the promises of benefit held out and suggested by the statements.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs reported in Drugs and Devices Notices of Judgment.

On January 27, 1943, the National Food Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

4993. Adulteration of fish. U. S. v. Progressive Fish Wharf, Inc. (Progressive Fish Co. and Progressive Fillet Co.) Plea of guilty. Fine, \$150. (F. D. C. No. 7257. Sample Nos. 5599-E, 65506-E, 65593-E, 67293-E.)

On July 6, 1942, the United States attorney for the District of Massachusetts filed an information against the Progressive Fish Wharf, Inc., also trading as the Progressive Fish Co. and the Progressive Fillet Co., at Gloucester, Mass., alleging shipment within the period from on or about August 6 to September 22, 1941, from the State of Massachusetts into the States of Ohio, Colorado, and Iowa of a quantity of fish that was adulterated in that it consisted in whole or in part of a putrid and

decomposed substance. The article was labeled in part: "H & G Whiting Frosted Fish."

On August 10, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

4994. Adulteration of frozen whiting. U. S. v. 405 Cartons of H & G Whiting. Consent decree of condemnation and destruction. (F. D. C. Nos. 9316, 9317. Sample No. 16140-F.)

On or about February 9, 1943, the United States attorney for the District of Colorado filed a libel against 405 "5-10"-pound cartons of fish at Pueblo, Colo., that had been shipped by the 40-Fathom Fish, Inc., alleging that the article had been shipped on or about October 27, 1942, from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cartons) "H & G Whiting Packed by General Seafood Corporation, Boston, Mass."

On May 1, 1943, the General Seafood Corporation of Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4995. Adulteration of rosefish fillets. U. S. v. 408 Boxes of Rosefish Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 8528. Sample No. 1844-F.)

On October 8, 1942, the United States attorney for the Northern District of Illinois filed a libel against 408 10-pound boxes of rosefish fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, by the Gloucester Ice and Cold Storage, Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Rose Fish Frosted Fillets Baxter & Kerr, Inc., Gloucester, Mass."

On June 25, 1943, the shipper and consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4996. Adulteration of frozen cod fillets. U. S. v. 521 Boxes and 39 Boxes of Frozen Cod Fillets. Consent decree of condemnation. Product ordered released under bond for use as animal feed or fertilizer. (F. D. C. No. 9558. Sample No. 13561-F.)

On March 18, 1943, the United States attorney for the District of Oregon filed a libel against a total of 560 boxes of frozen cod fillets at Albany, Oreg., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by San Juan Fishing & Packing Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, worms and decomposed fillets. A portion of the article was labeled in part: "Cod Fillets * * * Packed in Canada." The remainder of the article was unlabeled.

On July 12, 1943, the San Juan Fishing & Packing Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for use as animal feed or fertilizer, under the supervision of the Food and Drug Administration.

4997. Adulteration of frozen shrimp. U. S. v. 88 Bags and 78 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. Nos. 9273, 9328. Sample Nos. 18898-F to 18900-F, incl.)

On February 2 and 8, 1943, the United States attorney for the Southern District of New York filed a libel against 166 10-pound bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 11 and 22, 1942, by W. M. Wells and Son from Southport, N. C., and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4998. Adulteration of frozen shrimp. U. S. v. 24 Cases of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9585. Sample No. 44533-F.)

On March 18, 1943, the United States attorney for the District of New Jersey filed a libel against 24 cases, each containing 18 cartons, of frozen shrimp at Patterson, N. J., alleging that the article had been shipped in interstate commerce on or about March 9, 1943, by A. W. Haff & Co. from New York City, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.