

but it did not conform to such definition and standard since it did not contain 80 percent of fat as required by the regulations.

On February 2, 1943, a plea of not guilty having been entered on behalf of the defendant the case came on for trial before the court and a jury. The trial continued through the third and fourth of February on which date the taking of testimony was concluded, arguments of counsel heard and the jury instructed. A verdict of guilty on count 2 involving the shipment of February 23, 1942, into Utah and not guilty on the remaining counts was returned.

5482. Misbranding of oleomargarine. U. S. v. 77 Cases of Oleomargarine. Default decree of destruction. (F. D. C. No. 7824. Sample No. 73886-E.)

On or about July 9, 1942, the United States attorney for the Western District of Missouri filed a libel against 77 cases, each containing 12 cartons, of oleomargarine at Kansas City, Mo., alleging that the article had been shipped on or about June 2, 1942, in interstate commerce from Sherman, Tex., by the Interstate Cotton Oil Refining Co.; and charging that it was misbranded. The article was labeled in part: (Carton) "Dalewood Vegetable Oleomargarine * * * Meadolake Foods, Inc. Sherman, Texas," and (printed slip enclosed in carton) "Contains per pound not less than 9000 U.S.P. Units Vitamin A, 1000 U.S.P. Units Vitamin D. Two ounces of this food supply 28% of the minimum adult daily requirement for Vitamin A, and 31% of the same requirement for Vitamin D."

The article was alleged to be misbranded (1) in that it purported to be oleomargarine, a food for which a definition and standard of identity had been prescribed by regulation, but it failed to conform to such definition and standard since it contained less than 80 percent fat; and (2) in that it purported to be and was represented for special dietary uses and its label did not bear such information concerning its vitamin, mineral and other dietary properties as has been determined to be and by regulations prescribed as necessary in order to inform fully purchasers as to its value for such uses, since the printed slip enclosed in the carton represented the article for special dietary uses and its outside container or wrapper did not bear a statement of the proportion of the minimum daily requirement for vitamin A and vitamin D supplied thereby.

On October 3, 1942, no claimant having appeared, it was ordered that the product be destroyed. Destruction was effected through the distribution of the product to charitable institutions.

5483. Adulteration of evaporated milk. U. S. v. 222 Barrels of Evaporated Milk. Default decree of condemnation. Product ordered sold by marshal on condition that it should not be disposed of in violation of law. (F. D. C. No. 9801. Sample Nos. 6384-F, 6385-F, 6389-F, 6390-F.)

This product had been damaged by fire and water, and examination showed that it was undergoing progressive decomposition.

On April 13, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 222 barrels of evaporated milk at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 21, 1942, by Armour & Co. from Stoughton, Wis.; 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: "Armour's * * * Evaporated Milk."

On July 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold by the marshal on condition that the purchaser adopt such safeguards as might be directed by the Federal Security Agency against the product being disposed of in violation of the law. The swelled and rusted cans were sorted out and destroyed.

EGGS

5484. Adulteration of dried eggs. U. S. v. 1 Barrel of Dried Eggs. Decree of condemnation and destruction. (F. D. C. No. 10444. Sample No. 42280-F.)

On August 20, 1943, the United States attorney for the Southern District of Ohio filed a libel against 1 barrel of dried eggs at Cincinnati, Ohio, which had been consigned on or about October 6, 1942, alleging that the article had been shipped by F. M. Stamper from St. Louis, Mo.; 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: "Spray Dried Whole Eggs."

On October 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.