

10784. Misbranding of dairy feed. U. S. v. Durant Milling Co. Plea of guilty. Fine, \$200. (F. D. C. No. 17846. Sample Nos. 34205-H, 34210-H.)

INFORMATION FILED: March 18, 1946, Eastern District of Oklahoma, against the Durant Milling Co., a corporation, Durant, Okla.

ALLEGED SHIPMENT: On or about February 19 and April 13, 1945, from the State of Oklahoma into the State of Texas.

LABEL, IN PART: "Indian Maid Cow Feed," or "Red Warrior Dairy Feed."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Guaranteed Analysis: Crude Protein not less than . . . 16.00 Per Cent" was false and misleading since the article contained less than 16 percent of protein.

DISPOSITION: May 27, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 on each count, a total fine of \$200.

10785. Misbranding of Hog Concentrate and Cattle and Sheep Pellets. U. S. v. 96 Bags * * * and 16 Bags * * *, and a number of circulars. (F. D. C. No. 19179. Sample Nos. 50662-H, 50663-H.)

LIBEL FILED: March 5, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 14, 1946, by the Sioux Sales Co., from Sioux Falls, S. Dak. The circulars were delivered during August 1945.

PRODUCT: 96 100-pound bags of Hog Concentrate and 16 100-pound bags of Cattle and Sheep Pellets and 32 circulars entitled "Fortified 40% Hog Concentrate" and 20 circulars entitled "Fortified 30% Cattle Pellets," at Rushmore, Minn. Both products consisted essentially of meat scraps, soybean oil meal, fish meal, dried skim milk, dried milk albumin, riboflavin concentrate, iodized cod-liver oil, oil of wheat embryo, blood meal, irradiated brewers yeast, manganese sulfate, iron oxide, and ground limestone.

LABEL, IN PART: (Tag) "Sioux Brand Fortified 40% Hog Concentrate"; (bag) "Sioux Brand Cattle and Sheep Pellets Fortified Gland Activator."

NATURE OF CHARGE: Hog Concentrate, misbranding, Section 403 (a), the statement "Contains * * * Gland Activators," borne on the tag, and certain statements in the circular entitled "Fortified 40% Hog Concentrate" were false and misleading. These statements represented and suggested that the product would be effective to promote normal glandular function of hogs and to insure the production of normal litters and health and vitality in the sow, whereas the article would not be effective for such purposes.

Cattle and Sheep Pellets, misbranding, Section 403 (a), the statement "Fortified * * * Gland Activators," borne on the bag, and certain statements in the circular entitled "Fortified 30% Cattle Pellets" were false and misleading. These statements represented and suggested that the product contained ingredients that would be effective to promote normal glandular function of the animal, whereas the product would not be effective for such purpose.

DISPOSITION: August 8, 1946. The Sioux Sales Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10786. Misbranding of condensed buttermilk emulsion. U. S. v. 8 Pails, etc., and 3 circulars. (F. D. C. No. 18327. Sample No. 19294-H.)

LIBEL FILED: November 5, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: From La Harpe, Ill., by the La Harpe Creamery Co. The product was shipped on or about September 3, 1945, and the circulars were shipped during the summer of 1944.

PRODUCT: 8 50-pound pails, 2 barrels, and 11 kegs of condensed buttermilk emulsion, and 3 circulars entitled "C. B. E. the Quick Way to Profit," at Burlington, Iowa. Analysis showed that the product contained less protein than declared on its label.

LABEL, IN PART: "C. B. E. (Condensed Buttermilk Emulsions) Analysis Protein, not less than 9.0% [or "Protein, not less than 11.0%"] * * * Ingredients: Condensed Buttermilk, Whey, Wheat Germ, Cod Liver Oil."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Protein, not less than 9.0%" and "Protein, not less than 11.0%" were false and

misleading since the article did not contain the stated amount of protein; and certain statements in the circulars were false and misleading since they represented and suggested that the article would be effective to insure healthy, profitable poultry, to increase egg production, and to correct or prevent necro in swine, whereas the article would not be effective for those purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1748.

DISPOSITION: January 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

FISH AND SHELLFISH

10787. Adulteration of frozen hake fillets. U. S. v. 373 Boxes * * *. (F. D. C. No. 18727. Sample No. 16164-H.)

LABEL FILED: January 7, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 20, 1945, by the East Tennessee Packing Co., from Knoxville, Tenn.

PRODUCT: 373 15-pound boxes of frozen hake fillets at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10788. Adulteration of frozen rosefish fillets. U. S. v. 394 Cartons * * *. (F. D. C. No. 18470. Sample No. 1052-H.)

LABEL FILED: On or about December 12, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 15, 1945, by Progressive Fish Wharf, Inc., from Gloucester, Mass.

PRODUCT: 394 10-pound cartons of rosefish fillets at Atlanta, Ga.

LABEL, IN PART: "Progressive Quickly Frozen Rosefish Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: January 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10789. Adulteration of frozen tullibeas. U. S. v. 236 Boxes * * *. (F. D. C. No. 19301. Sample No. 51109-H.)

LABEL FILED: March 12, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 31, 1946, by Keystone Fisheries, Ltd., from Winnipeg, Canada.

PRODUCT: 236 120-pound boxes of frozen tullibeas at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 24, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed unless denatured and disposed of as animal feed.

10790. Adulteration of frozen tullibeas. U. S. v. 53 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 19082, 19130. Sample Nos. 19440-H, 38126-H.)

LABELS FILED: February 6 and 27, 1946, District of Minnesota and Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 28, 1945, and January 16, 1946, by Booth Fisheries Canadian Company, from Winnipeg, Canada.

PRODUCT: 53 76-pound boxes of frozen tullibeas at St. Paul, Minn., and 251 24-pound boxes of the same product at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.