

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 metal fragments, insect fragments, rodent hair fragments, and mites; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 15, 1948. Default decree of forfeiture. The product was ordered denatured and sold, or otherwise disposed of, for purposes other than human consumption; otherwise, it was to be destroyed.

FEEDS AND GRAINS

12902. Adulteration and misbranding of canned dog food. U. S. v. George C. Melody. Plea of nolo contendere. Defendant sentenced to 5 days' imprisonment and fined \$1.00 and costs. (F. D. C. No. 22056. Sample Nos. 34179-H, 34180-H, 42958-H, 61130-H, 61210-H, 61217-H.)

INFORMATION FILED: June 24, 1947, Western District of Pennsylvania, against George C. Melody, Greensburg, Pa.

ALLEGED SHIPMENT: Between the approximate dates of November 6 and December 19, 1946, from the State of Pennsylvania into the States of Maryland and New York and the District of Columbia.

LABEL, IN PART: "Dr. Melody's Dog Food * * * Protein 7.00% Min."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted.

Misbranding, Section 403 (a), the label statement "Protein 7.00% Min." was false and misleading, since the product contained less than 7 percent of protein.

DISPOSITION: December 2, 1947. A plea of nolo contendere having been entered, the court sentenced the defendant to 5 days in jail and imposed a fine of \$1.00 and costs on count 1. A fine of \$400 and imprisonment for an additional 60 days on the remaining 11 counts of the information was imposed, which fine and sentence were suspended, and the defendant was placed on probation for a period of 1 year.

12903. Misbranding of dairy feed. U. S. v. Temple Cotton Oil Co. Plea of nolo contendere. Fine, \$75 and costs. (F. D. C. No. 23278. Sample Nos. 33282-H to 33284-H, incl.)

INFORMATION FILED: July 2, 1947, Western District of Arkansas, against the Temple Cotton Oil Co., a corporation, Arkadelphia, Ark.

ALLEGED SHIPMENT: On or about June 22 and 29 and July 16, 1946, from the State of Arkansas into the State of Texas.

LABEL, IN PART: (tags) "Tempco Brand Turkey Growing Mash," or "Tempco Brand 20% [or "16%"] Protein Dairy Feed * * * Manufactured By Temple Feed Mills."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Crude Protein not less than 21.00 Per Cent" and "Crude Fat not less than 4.00 Per Cent" on the label of the Turkey Growing Mash were false and misleading, since the product contained less than 21 per cent of crude protein and less than 4 per cent of crude fat. The statements "Crude Protein not less than 20.00 Per Cent" and "Crude Protein not less than 16.00 Per Cent" on the labels of the Dairy Feed were false and misleading, since the products contained less than the labeled amounts of crude protein.

DISPOSITION: September 1, 1947. A plea of nolo contendere having been entered, the defendant was fined \$75, together with costs.

FISH AND SHELLFISH

12904. Adulteration of frozen haddock fillets. U. S. v. 4,720 Pounds * * *. (F. D. C. No. 24386. Sample Nos. 4885-K, 4886-K.)

LIBEL FILED: March 17, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 19, 1948, by the Mayflower Fisheries and the Busalacchi Bros. Co., from Chicago, Ill. This was a return shipment.

PRODUCT: 4,720 pounds of frozen haddock fillets at Boston, Mass.

LABEL, IN PART: "Aborn Brand Fillets Frozen Haddock."