

tary and contrary to the provisions of the Act; and that the defendant, in disregard of the repeated warnings, had continued to prepare, pack, and hold the articles under insanitary conditions and to ship in interstate commerce, quantities of such articles and would continue to so ship such articles unless enjoined from so doing.

PRAYER OF COMPLAINT: That the defendant be permanently enjoined from commission of the acts complained of.

DISPOSITION: On October 11, 1946, a temporary order of injunction was entered which enjoined the defendant from introducing for shipment in interstate commerce any food products which had been prepared, packed, or held under insanitary conditions, or which were in any way adulterated within the meaning of the Act. It was ordered that the injunction be in full force and effect until modified, set aside, or made permanent by the further order of the court. The defendant was cited for contempt on or about September 30, 1948, for a violation of the injunction; and on October 9, 1948, after a hearing in the matter at which the defendant in effect pleaded guilty, the court imposed a fine of \$100.

14776. Adulteration and misbranding of condensed buttermilk. U. S. v. 15 Barrels * * *. (F. D. C. No. 25988. Sample No. 25255-K.)

LIBEL FILED: November 1, 1948, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 26, 1948, by Frank Pilley & Sons, Inc., from Springfield, Mo. Accompanying the product were a number of leaflets and circulars.

PRODUCT: 15 500-pound barrels of condensed buttermilk at Waverly, Iowa. Analysis disclosed that the article contained less than 5 percent of lactic acid.

LABEL, IN PART: "Pilley's Farmland Feed Condensed Buttermilk 96½% Condensed Whey 2½% * * * Minimum Analysis * * * Lactic Acid 5.00%."

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

Misbranding, Section 403 (a), the following statements in the labeling were false and misleading since the product was not effective in the treatment of the diseases and conditions mentioned and was not effective for the purposes stated and implied: (Leaflet entitled "Instructions for Feeding") "For helping to maintain good digestion, and for providing the elements in the diet which promote big litters, easy farrowing, and sturdier, healthier, heavier pigs at farrowing time. * * * Treatment for Necrotic Enteritis * * * Aid in Prevention of Disease * * * to keep the digestive organs functioning properly and thus able to throw off the impurities taken into the bird's system daily. Because of this ability Farmland Condensed Buttermilk Feed is recognized as an aid in the prevention of chicken and poultry diseases * * * Preventing Disease in Baby Chicks and Poults" and (circular entitled "For A Perfectly Balanced Poultry Ration") "For Proper Healthy Growth * * * Maintain Healthier Flocks * * * decreased mortality, sustained good health * * * but also safeguards against * * * leg weakness, coccidiosis and black head. * * * for maintaining good digestion, which all poultry raisers agree is the basis for continuing good health in all poultry, both young and mature birds."

The product 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. 2670.

DISPOSITION: December 2, 1948. Default decree of condemnation and destruction.

FISH AND SHELLFISH

14777. Adulteration of frozen whiting. U. S. v. General Freezer & Cold Storage Co., Inc. Plea of guilty. Fine, \$400. (F. D. C. No. 24547. Sample Nos. 14102-K, 14303-K.)

INFORMATION FILED: March 17, 1949, District of Massachusetts, against General Freezer & Cold Storage Co., Inc., New Bedford, Mass.

ALLEGED SHIPMENT: On or about September 29 and October 23, 1947, from the State of Massachusetts into the State of Illinois.

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

DISPOSITION: May 16, 1949. A plea of guilty having been entered, the defendant was fined \$400.

14778. Adulteration of canned shrimp. U. S. v. 145 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26005, 26008. Sample Nos. 5406-K, 5415-K, 10941-K, 10942-K.)

LIBELS FILED: November 8, 1948, District of Massachusetts and District of Connecticut.

ALLEGED SHIPMENT: On or about August 27, 1948, by A. Hayes Drayage & Storage, Inc., from New Orleans, La.

PRODUCT: 365 cases, each containing 48 5-ounce cans, of shrimp at Somerville, Mass., and East Hartford, Conn.

LABEL, IN PART: (Can) "Susan Brand Wet Pack Shrimp Distributors Walter M. Hudson, Westwego, Louisiana" and "Four Square Brand Wet Pack Shrimp * * * Distributed by Hercules Frosted & Canned Foods, New Orleans, La."

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

DISPOSITION: February 7 and 9, 1949. First National Stores, Inc., East Hartford, Conn., claimant for the Connecticut lot, having consented to the entry of a decree, and no claimant having appeared for the Massachusetts lot, judgments of condemnation were entered. The Connecticut lot was ordered released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency, and the Massachusetts lot was ordered destroyed. A total of 12,796 cans were in the Connecticut lot, and of this amount, 7,300 cans were destroyed; the remainder were released for human consumption.

14779. Adulteration of frozen shrimp. U. S. v. 25 Cases * * *. (F. D. C. No. 26482. Sample Nos. 12498-K, 12499-K, 42009-K.)

LIBEL FILED: February 4, 1949, Northern District of Illinois.