

LABEL, IN PART: "Gem Margarine [or "Swift's Allsweet"] One Lb. Net Vegetable Oleomargarine * * * Manufactured By Swift & Company, General Office, Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402(b) (2), a product which contained less than 80 percent by weight of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent of fat, the minimum permitted by the standard.

DISPOSITION: February 2, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$1,002.

17073. Adulteration and misbranding of Instant Whip. U. S. v. 500 Cylinders
* * *. (F. D. C. No. 30260. Sample No. 80055-K.)

LABEL FILED: November 17, 1950, District of Maine.

ALLEGED SHIPMENT: On or about November 9, 1950, by the Aerated Products Co., from Boston, Mass.

PRODUCT: 500 cylinders, each containing approximately 7 ounces, of Instant Whip at Portland, Maine.

LABEL, IN PART: (Cap) "Pasteurized Instant Whip Keep Contents Cold Cream with added serum solids, gelatine, nitrous oxide gas and sugar, flavored with imitation vanilla."

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

Misbranding, Section 403 (g) (1), the product purported to be whipping cream, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard since it contained less than 30 percent of milk fat.

DISPOSITION: February 5, 1951. The shipper having consented to the destruction of the product, judgment of condemnation was entered and the court ordered that the contents of the containers be destroyed, but that the containers be returned to the shipper, conditioned that the marshal be reimbursed by the shipper for any expenses incident to carrying out the provisions of the decree.

FEEDS AND GRAINS

17074. Adulteration and misbranding of dairy feed. U. S. v. 18 Bags * * *
(F. D. C. No. 30356. Sample No. 82258-K.)

LABEL FILED: December 27, 1950, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about February 9, 1950, by the Northern Supply Co., from Amery, Wis.

PRODUCT: 18 100-pounds bags of dairy feed at Grantsville, W. Va.

LABEL, IN PART: (Tag) "Banner Dairy Feed 20 Per Cent Protein."

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

Misbranding, Section 403 (a), the label designation "20 Per Cent Protein" was false and misleading since the product contained less than 20 percent of protein.

DISPOSITION: March 1, 1951. Default decree of condemnation. The court ordered that the product be delivered to a local public institution, for use as animal feed, and that if the institution did not accept the product, that it be destroyed by the marshal.

17075. Adulteration and misbranding of fish meal. U. S. v. 350 Bags * * *.
(F. D. C. No. 30243. Sample No. 50004-K.)

LIBEL FILED: November 10, 1950, District of Maryland.

ALLEGED SHIPMENT: On or about August 7, 1950, by P. R. Markley, Inc., from Philadelphia, Pa.

PRODUCT: 350 unlabeled bags, each containing 100 pounds, of fish meal at Snow Hill, Md.

RESULTS OF INVESTIGATION: The product was sold under a sales contract describing the article as "Fish Meal." Fish meal is a well recognized feed component which should not contain an excess of 3 percent salt without a specific label declaration, and in no case contain more than 7 percent of salt. Examination disclosed, however, that the article contained more than 7 percent of salt.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), salt had been substituted in part for fish meal.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (1), its label failed to bear the common or usual name of the food; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: November 30, 1950. P. R. Markley, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be reconditioned and relabeled, under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

17076. Adulteration and misbranding of frozen fish fillets. U. S. v. Lakeside Fish & Oyster Co. Plea of guilty. Fine of \$300, plus costs. (F. D. C. No. 29621. Sample No. 15471-K.)

INFORMATION FILED: January 1, 1951, Northern District of Illinois, against the Lakeside Fish & Oyster Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about May 2, 1950, from the State of Illinois into the State of Michigan.

LABEL, IN PART: "Haddock Fillets" or "Hadd."

NATURE OF CHARGE: Misbranding, Section 403 (b), the product consisted of fish fillets other than haddock fillets and was offered for sale under the name of haddock fillets; and, Section 403 (i) (1), the label failed to bear the common or usual name of the product.

DISPOSITION: February 13, 1951. A plea of guilty having been entered, the court imposed a fine of \$300, plus costs.