

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On December 6, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24345. Adulteration and misbranding of Malt-O-Egg. U. S. v. 18¾ Dozen Cans of Malt-O-Egg. Default decree of condemnation and destruction. (F. & D. no. 33027. Sample no. 70234-A.)**

This case involved an interstate shipment of a food preparation which was labeled to convey the impression that it contained milk and egg. Examination showed that it contained little or no milk or egg.

On June 29, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18¾ dozen cans of Malt-O-Egg at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 8, 1934, by the Titman Food Products Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Malt-O-Egg Pure Egg Malted Milk."

The article was alleged to be adulterated in that a mixture of sugar, cocoa, and malt containing little or no egg and little or no milk had been substituted for "Egg Malted Milk", which the article purported to be.

Misbranding was alleged for the reason that the statements, "Malt-O-Egg", "Pure Egg Malted Milk", and "Pure cane sugar, highest grade breakfast cocoa and malt, scientifically combined with selected eggs and full cream dry milk", and the design of eggs and hens appearing on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of sugar, cocoa, and malt, with little or no milk and little or no egg. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article.

On March 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24346. Adulteration of tullibeas. U. S. v. Roy Brewster. Plea of guilty. Fine, \$50. Sentence suspended. (F. & D. no. 32898. Sample nos. 65317-A, 65318-A.)**

This case was based on interstate shipments of tullibeas which were infested with worms.

On January 2, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roy Brewster, Williams, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 15, 1934, from the State of Minnesota into the State of Illinois of a quantity of tullibeas which were adulterated.

The article was alleged to be adulterated in that it consisted in part of filthy animal substances due to its being infested with worms (triacenophori) and in that it consisted in part of portions of animals unfit for food.

On January 2, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50, with execution of sentence stayed for a period of one year.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24347. Adulteration of tullibeas. U. S. v. John Neumiller. Plea of guilty. Fine, \$50. Sentence suspended. (F. & D. no. 32884. Sample nos. 45759-A, 65315-A.)**

This case was based on interstate shipments of tullibeas which were infested with worms.

On January 2, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Neumiller, Williams, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 8, 1933, and January 14, 1934, from the State of Minnesota into the State of Illinois of quantities of tullibeas which were adulterated.