

27436. Adulteration of frozen fish (whittings). U. S. v. 600 Cases of Frozen Fish. Default decree of destruction. (F. & D. no. 39379. Sample nos. 41449-C, 41463-C.)

This product was in part decomposed.

On April 14, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of frozen fish at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 18, 1937, by the Slade Gorton Co. from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 18, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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

37437. Adulteration of tomato paste. U. S. v. 24 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 39383. Sample no. 29801-C.)

This case involved canned tomato paste that contained excessive mold.

On April 15, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of tomato paste at Washington, Pa., alleging that the article had been shipped in interstate commerce on or about March 18, 1937, by Lawtons Canning Co., Inc., from Lawtons, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Lawtons Club Tomato Paste * * * Packed by Lawtons Canning Co. Inc. Lawtons, N. Y."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On June 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27438. Adulteration and misbranding of frozen egg yolks. U. S. v. 79 Cans of "S Yolks" and 89 Cans of "Yolks." Consent decree of condemnation. Product released under bond. (F. & D. nos. 39389, 39390. Sample nos. 35632-C, 35633-C, 35649-C, 35650-C.)

This product contained varying amounts of egg white. The containers failed to bear a statement of the quantity of the contents.

On or about April 19, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 168 cans of frozen egg yolks at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about January 14, 1937, by the Northwest Poultry & Dairy Products Co. from Portland, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled "S Yolks" and the remainder was labeled "Yolks."

A portion of the article was alleged to be adulterated in that a mixture of egg yolks, egg white, and added sugar had been substituted wholly or in part for sugared egg yolks, which the article purported to be; and the remainder was alleged to be adulterated in that a mixture of egg yolks, egg white, and sugar had been substituted wholly or in part for egg yolks, which the article purported to be.

It was alleged to be misbranded in that the terms "S Yolks" and "Yolks" were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing egg yolks, egg white, and sugar. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1937, the California Poultry Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to show its true nature and the quantity of the contents.

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