

27846. Misbranding of laying mash. U. S. v. Kalmbach-Burckett Co., Inc. Plea of nolo contendere. Fine, \$50. (F. & D. No. 39766. Sample No. 2084-C.)

This product contained less protein and fat and more fiber than declared.

On September 7, 1937, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kalmbach-Burckett Co., Inc., Shreveport, La., alleging shipment by said company on or about March 15, 1937, from the State of Louisiana into the State of Texas of a quantity of laying mash that was misbranded. The article was labeled in part: (Tags) "Lucky Bird Laying Mash * * * Manufactured by Kalmbach-Burckett Company, Inc. Shreveport, Louisiana."

The article was alleged to be misbranded in that the statements, "Crude Protein not less than 18.00 per cent. Crude Fat not less than 5.00 per cent Crude Fiber not more than 8.00 per cent," were false and misleading, and were borne on the tag so as to deceive and mislead the purchaser since it contained less protein and fat and more fiber than declared, namely, not more than 14.82 percent of crude protein, not more than 3.4 percent of crude fat, and not less than 13.08 percent of crude fiber.

On September 30, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27847. Adulteration of canned tuna. U. S. v. 2,860 Cases of Canned Tuna. Decree of condemnation. Product released under bond for segregation and destruction of the unfit portion. (F. & D. Nos. 40062 to 40066, incl. Sample Nos. 41041-C, 51983-C, 51986-C, 51987-C, 51988-C, 51996-C.)

This product was in part decomposed.

On August 12, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,860 cases of canned tuna at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 14, 1937, by the Westgate Sea Products Co. from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: (Cans) "Alamo Brand Light Meat Tuna [or "Breast-O-Chicken Brand Tuna Fish"] * * * Packed by Westgate Sea Products Company, San Diego, California."

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

On August 30, 1937, the Westgate Sea Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27848. Adulteration of butter. U. S. v. 76 Cases and 81 Cubes of Butter. Decrees of condemnation. Product released under bond. (F. & D. Nos. 40081, 40082. Sample Nos. 39483-C, 39484-C.)

This product contained less than 80 percent of milk fat.

On July 23 and July 28, 1937, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 76 cases and 81 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, in part on or about June 22, 1937, and in part on or about June 27, 1937, by Farmers Equity Cooperative Creamery [Association] from Orleans, Nebr., and charging adulteration in violation of the Food and Drugs Act.

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 of milk fat.

On August 3 and August 10, 1937, Farmers Equity Cooperative Creamery Association, Orleans, Nebr., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*