

28453. Adulteration of butter. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 39449. Sample No. 28431-C.)

This product contained less than 80 percent of milk fat.

On July 15, 1937, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation trading at Paris, Tex., alleging shipment by the said defendant in violation of the Food and Drugs Act, on or about November 14, 1936, from the State of Texas into the State of Illinois, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained 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, as prescribed by the act of March 4, 1923, which the article purported to be.

On December 13, 1937, a plea of nolo contendere was entered and the defendant was sentenced to pay a fine of \$50.

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

28454. Adulteration and misbranding of frozen eggs. U. S. v. 146 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Property released under bond for segregation and destruction of decomposed portions and labeling of remainder. (F. & D. No. 40727. Sample No. 71043-C.)

This product was in part decomposed and the quantity of the contents did not appear on the cans.

On November 12, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 146 cans of frozen eggs at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 1, 1937, by the Pruitt Produce Co. from Ardmore, Okla., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

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

It was alleged to be misbranded in that it was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package, in that no quantity was stated.

On December 17, 1937, the Pruitt Produce Co., having appeared as claimant and consented, judgment of condemnation was entered. The property was ordered released under bond conditioned that the unfit portions thereof be segregated and destroyed and the good portion properly labeled.

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

28455. Adulteration of flour. U. S. v. 41 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 40678. Sample No. 48547-C.)

This product was infested with weevils.

On November 6, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 bags of flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 15 and February 23, 1937, by El Reno Mill & Elevator Co. from El Reno, Okla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "El Reno Mill and Elevator Co. El Reno Okla."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 8, 1937, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

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

28456. Adulteration of apples. U. S. v. 12 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40877. Sample No. 59096-C.)

This product was contaminated with arsenic and lead.

On September 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 8, 1937, from Benton Harbor, Mich., by Miretsky