

29080. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42425. Sample No. 21736-D.)

This product contained less than 80 percent of milk fat.

On April 27, 1938, 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 15 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 11, 1938, by Rock Falls Cooperative Creamery Co. from Rock Falls, Wis.; 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 as provided by act of March 4, 1923.

On May 6, 1938, Leserman Bros., Chicago, claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked to the legal standard.

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

29081. Adulteration of fig paste and orange paste with cocoanut. U. S. v. 1 Tin of Fig Paste and 1 Tin of Orange Paste containing chopped cocoanut. Default decree of condemnation and destruction. (F. & D. No. 42103. Sample Nos. 12505-D, 12507-D.)

These products were infested with insects and contained rodent hairs.

On April 1, 1938, 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 one tin each of the above-described products at Bloomfield, N. J.; alleging that the articles had been shipped in interstate commerce on or about October 4, 1937, from Brooklyn, N. Y., by the Orange Products Co.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Orange Products Co. * * * Brooklyn, N. Y., * * * Fig Fillings [or "Cocoanut"]."

They were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On May 12, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

29082. Misbranding of peanut butter. U. S. v. 21 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 42235. Sample No. 16371-D.)

This product was short weight.

On April 23, 1938, 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 21 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about March 11, 1938, from Dothan, Ala., by Dothan Oil Mill Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Domco Fine Quality Peanut Butter Made by Dothan Oil Mill Co., Dothan, Ala."

It was alleged to be misbranded in that the statement on the label, "Net Wt. 16 Ozs.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct and was not declared in terms of the largest unit contained in the package.

On May 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29083. Adulteration of Emulsol-M (frozen eggs). U. S. v. Rothenberg & Schneider Bros., Inc. Plea of nolo contendere. Fine, \$35 and costs. (F. & D. No. 40775. Sample No. 8858-C.)

Samples of this product were found to be decomposed.

On February 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the