

29097. Adulteration of butter. U. S. v. 55 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42896. Sample No. 21743-D.)

This product was deficient in milk fat.

On May 6, 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 55 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 24, 1938, by the Archer Produce Co., from Vinita, Okla.; 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 for by act of March 4, 1923.

On May 9, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked to the legal standard.

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

29098. Misbranding of canned peas. U. S. v. 140 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42239. Sample No. 8869-D.)

This product was substandard because the peas were not normally colored and were not immature, and it was not labeled to indicate that it was substandard.

On April 26, 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 140 cases of canned peas at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about March 2, 1938, in part from Columbus, Wis., and in part from Evansville, Ind., by the Columbus Foods Corporation; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Weber Valley Brand Those Good Peas Sugar * * * Distributed by Hoover Food Products Corp. Chicago."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not normally colored and were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 17, 1938, the Hoover Food Products Corporation, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of this Department.

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

29099. Adulteration of canned tuna. U. S. v. 862 Cases of Tuna. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 39426. Sample No. 26975-C.)

This product was in part decomposed.

On or about May 6, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 862 cases of canned tuna at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about March 24, 1937, by Point Loma Tuna Packers, Inc., from Point Loma, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunrise Tuna Fish * * * Distributors [or "Distributed only by"] Miner, Read & Tullock Inc. New Haven, Conn."

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

On October 20, 1937, Point Loma Tuna Packers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that all cans, with the exception of those identified by one code number, be released as fit for consumption, and that all cans under the code not so released might be shipped

to the packer for separation of the good from the bad and destruction of the latter—such shipment and separation to be under the supervision of this Department.

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

29100. Adulteration of butter. U. S. v. 61 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42989. Sample No. 21753-D.)

This product contained less than 80 percent of milk fat.

On May 12, 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 61 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 2, 1938, by Talbot-Woods & Kelly Butter Co., Inc., from Kansas City, Kans.; 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 for by the act of March 4, 1923.

On May 23, 1938, D. J. Coyne & Co., Chicago, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

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

29101. Adulteration of candy. U. S. v. 40 Boxes of Candy (and 15 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42052, 42241, 42249, 42294, 42295, 42299, 42311, 42323, 42348, 42349, 42358, 42359, 42375, 42387, 42393, 42435. Sample Nos. 1553-D, 10514-D, 10612-D, 13167-D, 25302-D, 25303-D, 25307-D to 25311-D, incl., 25313-D to 25318-D, incl., 25387-D, 25388-D, 25389-D, 25404-D.)

Samples of this product were found to contain rodent hair and excreta, insect fragments, human hair, and other filth.

On various dates between March 25 and May 19, 1938, 16 United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 1,069 boxes of candy in various lots at Bridgeton, Jersey City, Elizabeth, Passaic, Hoboken, Newark, Hackensack, and Paterson, N. J., McAdoo, Pa.; and Bristol and Hartford, Conn.; alleging that the article had been shipped in interstate commerce on various dates between January 15 and May 4, 1938, from Brooklyn, N. Y., and Jersey City, N. J., by the Bonomo Candy & Nut Corporation; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Brevard Miniature Chocolates * * * Brevard Chocolate Co. Brooklyn, N. Y."; or "Mother's Day [or "Barry's Assorted Chocolates"] 'A Bonomo Product' Brooklyn, N. Y."

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

On various dates between May 26 and June 30, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29102. Adulteration of chocolate candies and chocolate coating. U. S. v. 231 Cases of Chocolate Candies and 24 Sacks of Chocolate Coating. Consent decree of condemnation. Product released under bond for salvage of good portion. (F. & D. Nos. 42224, 42225. Sample Nos. 13249-D to 13254-D, incl.)

Samples of this product were found to be water-damaged and moldy.

On April 19, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 231 cases of chocolate candies and 24 sacks of chocolate coating at Brooklyn, N. Y.; alleging that the articles had been shipped in interstate commerce on or about March 7, 1938, from Seattle, Wash., by Rockwood & Co.; and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of a decomposed and filthy vegetable substance.