

On May 3 and 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**30598. Adulteration of flour. U. S. v. 35 Bags of Flour (and 2 similar seizure actions). Default decrees of condemnation and destruction.** (F. & D. Nos. 43604, 43605, 43606. Sample Nos. 37969-D, 37970-D, 37971-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be insect-infested.

On October 20, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 483 bags of flour at Hattiesburg, Miss.; alleging that the article had been shipped on or about July 6, 1938, from Chattanooga, Tenn., by Mountain City Mill Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gold Medal Best Patent Flour."

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

On April 11, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**30599. Adulteration of crab meat. U. S. v. Clarence Taylor Slaughter. Plea of guilty. Fine, \$50.** (F. & D. No. 38640. Sample Nos. 39922-B, 39925-B, 7931-C, 7933-C, 7934-C.)

This product contained evidence of the presence of filth.

On August 19, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence Taylor Slaughter, Morattico, Va., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about July 19 to on or about August 8, 1936, from the State of Virginia into the State of Maryland of quantities of crab meat which was adulterated.

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

On April 21, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$50.

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

**30600. Adulteration of apple butter. U. S. v. California Preserving Co. Plea of not guilty. Tried to the court. Judgment of guilty. Fine, \$100.** (F. & D. No. 38687. Sample No. 21831-C.)

Samples of this product were found to contain insect and worm fragments, also excessive mold.

On May 4, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Preserving Co., a corporation, Los Angeles, Calif.; alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 16, 1936, from the State of California into the State of Oregon, of a quantity of apple butter which was adulterated. The article was labeled in part: "Catalina Brand Pure Apple Butter."

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

On June 1, 1937, a plea of not guilty was entered on behalf of the defendant; and the case, after a series of continuances, came on for trial before the court without a jury on March 28, 1939. On March 29, 1939, the court adjudged the defendant guilty and handed down the following oral opinion:

JENNEY, *Judge*: "The court finds itself unable to follow the distinguished judge in the District Court of Washington, Judge Cushman. I feel in the particular cases which he had before him, that there were circumstances which led him to make emphasis on the question of unfitness for human food.

"He says here in the case of *United States v. 2,995 Cases of Canned Salmon*: "This case defines an adulterated article of food as follows: "\* \* \* that is, an article of food is adulterated when it consists in whole or in part of filthy, decomposed, or putrid animal substance, making it unfit for human food; \* \* \*."