

On May 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30682. Adulteration of butter. U. S. v. Spring Valley Butter Co. Plea of guilty. Fine, \$75. (F. & D. No. 42691. Sample Nos. 27119-D, 44769-D, 44781-D, 44787-D.)

This product contained less than 80 percent of milk fat.

On April 29, 1939, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Spring Valley Butter Co., a corporation having a place of business at Houston, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 29 and November 19, 1938, from the State of Texas into the State of New York, of quantities 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 by weight of milk fat, as prescribed by act of March 4, 1923.

On June 24, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75.

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

30683. Adulteration of canned spinach. U. S. v. 24 Cases of Spinach. Default decree of condemnation and destruction. (F. & D. No. 45240. Sample No. 57529-D.)

Examination of this product showed that it contained insect larvae and fragments.

On April 27, 1939, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned spinach at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about February 23, 1939, by the Larsen Co. from Green Bay, Wis.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Red & White Strained Spinach * * * Red & White Corp'n. Distributors, Chicago, Ill."

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

On June 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30684. Adulteration of canned frozen whole eggs. U. S. v. 1,000 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. & D. No. 45229. Sample No. 43540-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 in part decomposed.

On April 22, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cans of frozen whole eggs at Oakland, Calif.; alleging that the article had been shipped on or about April 14, 1939, from Fort Worth, Tex., by Merchants Cold Storage Co., Inc.; and charging adulteration in violation of the Food and Drugs Act.

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

On May 16, 1939, Swift & Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered. The product was taken down under bond, conditioned that the good portion be segregated from the bad and that the former only be released.

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

30685. Adulteration of frozen fish. U. S. v. 932 Boxes and 375 Boxes of Red Perch Fillets. Consent decree of condemnation. Product ordered released under bond conditioned that unfit portion be destroyed. (F. & D. Nos. 44931, 44957. Sample Nos. 54332-D, 54350-D.)

This product was in part infested with parasitic worms.

On March 2 and 7, 1939, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the

district court libels praying seizure and condemnation of 1,307 boxes of frozen fish at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about January 9, 1939, by Commonwealth Ice & Cold Storage Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act.

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

On March 22, 1939, the cases having been consolidated, and Walker's Fulton Fish Co., Chicago, Ill., claimant, having admitted the allegations of the libels, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good portion be salvaged and the unfit portion destroyed.

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

30686. Adulteration of frozen fish. U. S. v. 400 Boxes of Perch Fillets and 400 Boxes of Pike. Default decrees of condemnation. Product ordered converted into fertilizer. (F. & D. Nos. 45125, 45130. Sample Nos. 54666-D, 54668-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was in whole or in part decomposed.

On April 5, 1939, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 800 boxes of frozen fish at Chicago, Ill.; alleging that the article had been shipped on or about March 14, 1939, by Cape Ann Cold Storage Co. from Gloucester, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Ocean Perch" or "Icy Bay Ocean Pike."

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

On May 12, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered converted into fertilizer.

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

30687. Misbranding of canned corn. U. S. v. Columbus Foods Corporation. Plea of nolo contendere. Fine, \$50. (F. & D. No. 42596. Sample No. 22326-D.)

This product was labeled to indicate that it was sweet or sugar corn; whereas it consisted of field corn.

On November 29, 1938, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Columbus Foods Corporation, trading at Evansville, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 12, 1937, from the State of Wisconsin into the State of Illinois, of a quantity of canned corn which was misbranded. The article was labeled in part: "Garden Brand * * * Packed by Garden Canning Company, Evansville, Wis."

The article was alleged to be misbranded in that the words "Garden Brand" and "Sweet Corn" and picture of an ear of corn on which the word "Golden" was printed, borne on the label, were false and misleading in that they implied that the article consisted of sweet or sugar corn; whereas it was field corn of a variety produced almost exclusively for animal feed; it was alleged to be misbranded further in that it was labeled so as to deceive and mislead the purchaser as to its variety and quality.

On February 10, 1939, 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.*

30688. Adulteration of frozen fillets. U. S. v. 425 Boxes of Red Perch Fillets. Default decree of condemnation. Product ordered converted into fertilizer. (F. & D. No. 45179. Sample No. 54689-D.)

This product contained parasitic worms.

On April 15, 1939, 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 425 boxes of red perch fillets at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about March 28, 1939, by T. and J. Busalacchi from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act.