

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.

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

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

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

30689. Adulteration of frozen fillets. U. S. v. 30 Boxes of Redfish Fillets. Default decree of condemnation. Product ordered converted into fertilizer. (F. & D. No. 45040. Sample No. 54371-D.)

This product contained parasitic worms.

On March 23, 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 30 boxes of redfish fillets at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about March 6, 1939, by Busalacchi Bros. 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 May 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

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

30690. Adulteration and misbranding of canned crushed grapefruit. U. S. v. 64 Cases of Crushed Grapefruit. Default decree of condemnation. Product ordered destroyed or delivered to a public charitable institution. (F. & D. No. 44928. Sample No. 26819-D.)

This product was a mixture of grapefruit pomace (the residue after removing the juice in whole or in part) and added sugar.

On March 3, 1939, the United States attorney for the Northern 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 64 cases of canned crushed grapefruit at Syracuse, N. Y.; alleging that the article had been shipped in interstate commerce on or about January 16, 1939, from Brownsville, Tex., by Engelman Gardens Association; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Engelmen Gardens Brand Crushed Grapefruit."

It was alleged to be adulterated in that a mixture of grapefruit pomace and sugar had been substituted in whole or in part for crushed grapefruit, which it purported to be; and in that a valuable constituent—juice—had been wholly or in part abstracted; and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements "Crushed Grapefruit" and "grapefruit," wherever they appeared on the can label, case label, and in the circular, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a mixture of grapefruit pomace and added sugar.

On June 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a public charitable institution, for use and consumption only in such institution.

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

30691. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45497. Sample No. 26875-D.)

This product contained less than 80 percent of milk fat.

On June 12, 1939, the United States attorney for the Southern 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 11 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 3, 1939, from Alta Vista, Iowa, by Alta Vista Farmers Mutual Creamery Association; 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.

On June 20, 1939, Alta Vista Farmers Mutual Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was