

30808. Adulteration of frozen fish. U. S. v. 379 Boxes of Skinless Fillets. Portion of product condemned and ordered destroyed. Remainder adjudged not adulterated and ordered released under bond. (F. & D. No. 44985. Sample Nos. 41164-D, 41190-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 March 10, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 379 boxes of frozen cod fillets at Denver, Colo., consigned by Slade Gorton Co.; alleging that the article had been shipped on or about February 9, 1939, from Cleveland, Ohio; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy and decomposed animal substance.

On May 3, 1939, the Seattle Fish Co., Denver, Colo., filed a claim and answer admitting that a portion of the article identified by certain codes was adulterated but denying the charge with respect to the remainder. On the same date the court having found that a portion of the article was adulterated but that the remainder was not, judgment was entered condemning and ordering the destruction of the former, and ordering that the latter be released under bond conditioned that it should not be disposed of in violation of the law.

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

30809. Adulteration of frozen fillets. U. S. v. 100 Boxes of Haddock. Default decree of condemnation and destruction. (F. & D. No. 45399. Sample No. 65226-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 whole or in part decomposed.

On May 23, 1939, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 boxes of haddock fillets at Indianapolis, Ind.; alleging that the article had been shipped on or about May 6, 1939, by Henry & Close, Inc., 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 decomposed animal substance.

On June 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30810. Adulteration of canned oysters. U. S. v. 200 Cases and 1,180 Cases of Canned Oysters. Default decrees of condemnation and destruction. (F. & D. Nos. 44862, 44864. Sample Nos. 36556-D, 37800-D.)

This product contained pieces of shell, many of which were small enough to be swallowed and to lodge in the esophagus and which were also sharp and capable of inflicting injury.

On February 18 and 20, 1939, the United States attorneys for the Southern District of California and the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 200 cases of canned oysters at Los Angeles, Calif., and 1,180 cases of canned oysters at Topeka, Kans.; alleging that the article had been shipped in interstate commerce on or about December 8, 1938, and February 1, 1939, by the Mavar Shrimp & Oyster Co., in part from Biloxi, Miss., and in part from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Del Haven Brand Cove Oysters * * * Packed for Federated Foods, Inc., San Francisco" or "IGA Cove Oysters Packed for Independent Grocers Alliance Distributing Co., Chicago, Illinois."

Adulteration of the article was alleged in that shell fragments had been mixed and packed with it so as to reduce or lower its quality; in that an article containing shell fragments had been substituted wholly or in part for oysters, which it purported to be; and in that it contained an added deleterious ingredient, oyster shell fragments, which might have rendered it injurious to health.

On July 5, 1939, no claimant having appeared for the lot seized at Los Angeles, Calif., judgment of condemnation was entered and the said lot was

ordered destroyed. On July 20, 1939, the Mavar Shrimp & Oyster Co. having entered an appearance in the action instituted in the District of Kansas, but no answer or other pleading having been filed, judgment of condemnation was entered and it was ordered that the product be destroyed and that the intervenor pay costs.

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

30811. Adulteration of candy. U. S. v. 29 Cartons and 17 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43160, 43161. Sample Nos. 37621-D, 37623-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 or about August 6, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cartons of candy sticks at Tupelo, Miss.; alleging that the article had been shipped on or about February 29, 1938, by the Gilliam Candy Co. from Paducah, Ky.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gilliam's Blue Grass Brand Candies Cello Sticks."

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

On October 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30812. Adulteration of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45551. Sample Nos. 55609-D, 55611-D.)

This product contained less than 80 percent of milk fat.

On June 12, 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 19 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 25, 1939, by the New Paris Creamery Co. from New Paris, Ind.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged 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 the act of March 4, 1923.

On June 19, 1939, the New Paris Creamery Co., 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 conditioned that it be reworked under the supervision of this Department.

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

30813. Adulteration of canned peaches. U. S. v. 96 Cases of Sliced Peaches. Default decree of condemnation and destruction. (F. & D. No. 45268. Sample No. 62403-D.)

Samples of this product were found to contain a foreign substance having the odor of kerosene.

On May 3, 1939, 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 96 cases of canned peaches at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about August 17, 1938, by Balfour, Guthrie & Co., Ltd., from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Sunpakt Brand California Sliced Peaches Distributors Balfour, Guthrie and Co. Limited."

Adulteration was alleged in that a foreign substance having the odor of kerosene had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality.

On July 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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