

in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Ocean Perch Cello"; "Cape Ann Ocean Perch"; or "Whiting Fillets, Skins On."

The perch was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance. The whiting fillets were alleged to be adulterated in that they consisted in whole or in part of a decomposed animal substance.

Between May 17 and September 25, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

30855. Misbranding of cottonseed cake. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42733. Sample No. 5961-D.)

This product contained a smaller proportion of protein than that declared on the label.

On July 24, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Terminal Oil Mill Co., a corporation, Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act on or about January 6, 1939, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed cake that was misbranded. The article was labeled in part: "Big Chief Prime Cotton Seed Cake."

It was alleged to be misbranded in that the statement on the label, "Protein not less than 43.00%," was false and misleading and was borne on the label so as to deceive and mislead the purchaser since the article contained less than 43 percent of protein, namely, not more than 40.50 percent.

On July 28, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

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

30856. Adulteration and misbranding of olive oil. U. S. v. 11 Gallon Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 40840. Sample No. 54924-C.)

This product consisted principally or entirely of cottonseed oil.

On November 16, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 gallon cans of alleged olive oil at Worcester, Mass.; alleging that the article had been shipped in interstate commerce on or about November 9, 1937, via truck of Michele Montecalvo, from Providence, R. I.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sublime Olive Oil Imported by Acomo Fo Lucca."

It was alleged to be adulterated in that cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statements on the label, "Pure Imported Olive Oil Italian Produce * * * Olive Oil Imported * * * Lucca," were false and misleading and tended to deceive the purchaser when applied to an article that was cottonseed oil and that purported to be a foreign product. It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On September 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30857. Adulteration of butter. U. S. v. Seven Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45543. Sample No. 55606-D.)

This product contained less than 80 percent of milk fat.

On June 8, 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 seven tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 22, 1939, by Mooreland Community Creamery from Mooreland, Okla.; and charging adulteration in violation of the Food and Drugs Act.

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 of milk fat as provided by act of March 4, 1923.

On July 26, 1939, the Peter Fox Sons Co., Chicago, Ill., 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.

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

30858. Adulteration of crab meat. U. S. v. 40 Cans of Crab Meat. Consent decree of condemnation and destruction. (F. & D. No. 45545. Sample No. 62942-D.)

This product contained evidence of the presence of filth.

On June 8, 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 40 cans of crab meat at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 30, 1939, by Riverside Packing Co., Inc., from Berwick, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can label) "Riverside Special Riverside Brand Crabmeat."

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

On June 16, 1939, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.

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

30859. Adulteration of crab meat. U. S. v. 3 Barrels and 185 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 45540. Sample No. 23796-D.)

This product contained evidence of the presence of filth.

On June 23, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 barrels and 185 pounds of crab meat at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about June 20, 1939, by John Illich from Ocean Springs, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag on barrel) "From John's Fish Market * * * Biloxi, Miss."

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

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.*

30860. Adulteration of dried peaches and dried prunes. U. S. v. 100 Boxes of Peaches and 53 Boxes of Prunes. Default decrees of condemnation and destruction. (F. & D. Nos. 45261, 45262. Sample Nos. 30726-D, 40966-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were found to be insect-infested.

On May 5, 1939, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 100 boxes of dried peaches and 53 boxes of dried prunes at Big Spring, Tex.; alleging that the articles had been shipped on or about October 9, 1937, by California Prune & Apricot Growers Association from Hanford, Calif.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "California Fruits Golden Glow Brand Peaches [or "Prunes"] Packed by California Prune & Apricot Growers Assn. San Jose, California."

They were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On August 16, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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