

On December 5, 1939, judgment of condemnation was entered, and the product was ordered released to the claimant under bond conditioned that it be relabeled under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31009. Adulteration of frozen fish. U. S. v. 1,185 Boxes and 790 Boxes of Frozen Fillets (and 1 other seizure action against a similar product). Default decrees of destruction. (F. & D. Nos. 45059, 45060. Sample Nos. 58865-D, 58866-D.)

These products had been shipped in interstate commerce. At the time of examination, one lot was found to contain parasitic worms and the other lot was found to be in whole or in part decomposed.

On March 21, 1939, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 1,185 boxes of ocean perch fillets and 790 boxes of whiting at Nashville, Tenn. The whiting only having been seized under the original libel, the United States attorney filed a libel on March 22, 1939, against the 1,185 boxes of ocean perch fillets. It was alleged in the libels that the articles had been shipped on or about February 27, 1939, by the Commonwealth Ice & Storage Co. from Boston, Mass.; and that they were adulterated in violation of the Food and Drugs Act. They were labeled "Ocean Perch Cape Anne" and "H & G Whiting."

Adulteration was alleged in that the articles consisted in whole or in part of filthy animal substances.

On April 24, 1939, the owner of the goods having petitioned that they be destroyed, judgment was entered ordering their destruction.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31010. Adulteration of frozen fillets. U. S. v. 126 Boxes of Ocean Perch Layers. Default decree of condemnation and destruction. (F. & D. No. 45382. Sample No. 1967-D.)

This product contained parasitic worms.

On May 20, 1939, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 boxes of ocean perch layers at Nashville, Tenn.; alleging that the article had been shipped in interstate commerce on or about April 14, 1939, by O'Donnell-Usen Fisheries Corporation 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 October 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31011. Adulteration and misbranding of butter. U. S. v. Clifford R. Farnsworth (Clearwater Creamery Co.). Plea of guilty. Fine, \$48. (F. & D. No. 42772. Sample Nos. 64616-D, 64617-D, 64619-D.)

This product contained less than 80 percent by weight of milk fat. Moreover, its containers failed to bear a statement of the quantity of the contents.

On October 20, 1939, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clifford R. Farnsworth, trading as Clearwater Creamery Co., at Lewiston, Idaho, alleging shipment by said defendant within the period from on or about May 19, 1939, to on or about May 24, 1939, from the State of Idaho into the State of Washington, of quantities of butter which was adulterated and misbranded.

Adulteration was alleged 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 the act of March 4, 1923.

Misbranding was alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 6, 1939, a plea of guilty was entered by the defendant and the court imposed a fine of \$48.

GROVER B. HILL, *Acting Secretary of Agriculture.*