

**ALLEGED SHIPMENT:** On or about July 20, 1949, by Cresthaven Farms, Inc., from Zumbro Falls, Minn.

**PRODUCT:** 327 100-pound bags of nonfat dry milk solids at Denver, Colo.

**LABEL, IN PART:** "Roller Non Fat Dry Milk Solids."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for nonfat dry milk solids since it was not made from sweet milk of cows, as provided in the definition and standard, but was made from neutralized sour skim milk.

**DISPOSITION:** October 27, 1949. Cresthaven Farms, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured and sold as animal feed, under the supervision of the Federal Security Agency.

## EGGS

**15580. Adulteration and misbranding of frozen whole eggs. U. S. v. 40 Cans**  
\* \* \*. (F. D. C. No. 26083. Sample No. 9238-K.)

**LIBEL FILED:** November 23, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 6, 1948, by the Iowa Falls Poultry & Egg Co., from Iowa Falls, Iowa.

**PRODUCT:** 40 30-pound cans of frozen whole eggs at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Sections 403 (e) (1) and (2), the product was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be frozen whole eggs, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in the definition and standard.

**DISPOSITION:** December 23, 1948. Bovers & Rosenblum, Inc., New York, N. Y., having appeared as claimant, judgment was entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion for use as animal feed or commercial use, under the supervision of the Food and Drug Administration. Segregation operations resulted in the release of 30 cans of eggs as good and the denaturing of the remaining 10 cans.

## FEEDS AND GRAINS

**15581. Adulteration and misbranding of alfalfa meal. U. S. v. Bremco Alfalfa Mills, Inc. Plea of guilty. Fine of \$100 and costs. (F. D. C. No. 26811. Sample No. 44228-K.)**

**INFORMATION FILED:** August 9, 1949, Northern District of Ohio, against the Bremco Alfalfa Mills, Inc., New Bremen, Ohio.

**ALLEGED SHIPMENT:** On or about October 16, 1948, from the State of Ohio into the State of Kentucky.

**PRODUCT:** The product was unlabeled but was invoiced as "17% Dehydrated Alfalfa Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), it failed to bear a label showing the common or usual name of the article.

**DISPOSITION:** August 17, 1949. A plea of guilty having been entered, the court imposed a fine of \$100, together with costs.

**15582. Adulteration and misbranding of dog food. U. S. v. 300 Cases \* \* \*.**  
(F. D. C. No. 27282. Sample No. 8630-K.)

**LIBEL FILED:** May 27, 1949, District of New Jersey.

**ALLEGED SHIPMENT:** On or about May 2, 1949, by the Re-Dan Packing Co., from Ozone Park, N. Y.

**PRODUCT:** 300 cases, each containing 48 15½-ounce cans, of dog food at Perth Amboy, N. J.

**LABEL, IN PART:** "Tex Brand Dog Food \* \* \* Guaranteed Analysis Min. 9% Protein."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Min. 9% Protein" was false and misleading since the product contained less than the declared amount of protein.

**DISPOSITION:** August 8, 1949. The Re-Dan Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

## FRUITS AND VEGETABLES

### CANNED FRUIT\*

**15583. Misbranding of canned peaches. U. S. v. 998 Cases \* \* \*.** (F. D. C. No. 28315. Sample Nos. 52871-K, 52877-K.)

**LIBEL FILED:** November 23, 1949, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 20 and 21, 1949, by the Honee Bear Syrup & Preserving Co., from Lawton, Mich.

**PRODUCT:** 998 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Cincinnati, Ohio.

**LABEL, IN PART:** (Can) "Elberta Mary Jane Brand Peaches Fancy Halves Yellow Freestone."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Fancy Halves Yellow Freestone" was false and misleading as applied to the article, which was not of fancy grade. Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since the weight of the largest unit was more than twice the weight of the smallest unit and because more than 20 percent of the units were blemished with scab or other abnormalities; and the cans failed to bear the substandard legend.

\*Fruit juice, see Beverages and beverage materials.