

the district court a libel praying seizure and condemnation of 247 cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1937, from Gale, Ill., by Mars, Inc., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A Mars Product Milky Way Whole Eggs * * * Mars, Inc., * * * Chicago, Ill."

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

On April 7, 1938, Mars, Inc., 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 the unadulterated portion be segregated and the adulterated portion be destroyed.

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

28851. Adulteration of fig paste. U. S. v. 627 Cases of Fig Paste. Consent decree of condemnation. Product released under bond. (F. & D. No. 39870. Sample 35415-C.)

This product contained hydrocyanic acid in an amount which might have rendered it harmful to health.

On June 15, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 627 cases of fig paste at Davenport, Iowa, consigned by the Bonner Packing Co., alleging that the article had been shipped in interstate commerce on or about March 22, 1937, from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bonner Trade Mark B P Co., Adriatic Fig Paste Bonner Packing Co. Fresno, Calif."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On May 16, 1938, the Bonner Packing Co., claimant, 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 not disposed of contrary to law.

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

28852. Adulteration of tomato and celery juice. U. S. v. 7 Cases of Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. No. 41838. Sample No. 14885-D.)

This product was undergoing decomposition.

On or about March 9, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cases of tomato and celery juice at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about March 12, 1936, from Ogden, Utah, in a pool car by the Utah Canning Co. for Blake & Co., Layton, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake and Blackinton, Ogden, Utah."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28853. Adulteration of tomato and celery juice. U. S. v. 28 Cases of Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. No. 41757. Sample No. 14874-D.)

This product was undergoing decomposition.

On or about February 23, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of tomato and celery juice at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about January 2, 1936, from Layton, Utah, by Blake & Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake & Blackinton, Ogden, Utah."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28854. Adulteration and misbranding of shelled peanuts. U. S. v. 240 Bags of Shelled Peanuts. Consent decree of condemnation. Product released under bond. (F. & D. No. 42153. Sample No. 9892-D.)

These peanuts were dirty.

On April 9, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 bags of shelled peanuts at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 12, 1938, from Courtland, Va., by Birdsong Sons Corporation, and charging adulteration and misbranding in violation of the Food and Drugs Act.

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

Misbranding was alleged in that the statement "No. 2," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to Virginia shelled peanuts which contained damaged (dirty) kernels in excess of the tolerance permitted in U. S. No. 2 grade.

On April 28, 1938, Birdsong Storage Co., Suffolk, Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it not be disposed of contrary to law.

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

28855. Misbranding of hot sauce. U. S. v. 100 Cartons, 25 Cases, and 20 Cases of Hot Sauce. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 41853, 41976. Sample Nos. 2749-D, 2750-D, 10120-D.)

This product was short weight.

On or about March 8, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 45 cases and 100 cartons of hot sauce at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about January 26 and 30, 1938, from Oakland, Calif., by F. M. Ball & Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "All Good Spanish Style [or "Great Value"] Hot Sauce * * * F. M. Ball & Co., Oakland, Calif.;" or "Favorite Spanish Style Hot Sauce Distributed by Quality Foods, Ltd., Tampa, Fla."

It was alleged to be misbranded in that the following statements borne on the labels, "Net Contents 8 Oz. or 227 Grams" and "Contents 8 Oz. or 227 Grams," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 25, 1938, the cases having been consolidated, and F. M. Ball & Co., claimant, 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 relabeled.

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

28856. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Default decree of condemnation and destruction. (F. & D. No. 42011. Sample Nos. 16054-D, 16085-D.)

This product contained less than 80 percent of milk fat.

On March 8, 1938, 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 15 cases of butter at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about January 20, 1938, from Paris, Tex., by Swift & Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "1 Pound Net Swift's Brookfield Butter * * * Distributed by Swift & Co., General Office Chicago."