

30505. Adulteration of frozen whole eggs. U. S. v. Marshall Kirby & Co., Inc. Plea of guilty. Fine, \$200. (F. & D. No. 42521. Sample No. 13894-D.)

This product was in whole or in part decomposed.

On July 13, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Marshall Kirby & Co., Inc., Terre Haute, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 29, 1937, from the State of Indiana into the State of Rhode Island of a quantity of frozen eggs that were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On March 24, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

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

30506. Adulteration of cashew nut kernels. U. S. v. 99 Cases of Cashew Nut Kernels. Product ordered released under bond. (F. & D. No. 43926. Sample No. 20080-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part insect-infested.

On September 20, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of cashew nut kernels at Los Angeles, Calif.; alleging that the article had been shipped on or about August 17, 1938, by William A. Higgins & Co. from Portland, Oreg.; 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 and decomposed vegetable substance.

On October 17, 1938, William A. Higgins & Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment was entered ordering release of the product under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act. The unfit portion was sorted out and destroyed.

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

30507. Adulteration of fish roe. U. S. v. One Tub and One Barrel of Fish Roe. Default decree of condemnation and destruction. (F. & D. Nos. 45032, 45033. Sample Nos. 59829-D, 59830-D.)

Samples of this product were found to contain parasitic worms and nondescript tissue fragments.

On March 16, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub and one barrel of fish roe at New York, N. Y.; alleging that the article had been shipped in interstate commerce from Two Rivers, Wis., in part on or about February 18, 1939, by Rawley Fish Co., Inc., and in part on or about February 21, 1939, by Charles Bowlanger; and charging adulteration 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 animal substance.

On April 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30508. Adulteration of butter. U. S. v. 11 Boxes, 29 Boxes, and 31 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. Nos. 45283, 45340, 45405. Sample Nos. 51542-D, 51556-D, 51569-D, 51734-D.)

This product contained less than 80 percent of milk fat.

On April 28, May 6, and May 17, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 40 boxes and 31 cases of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about April 22, April 29, and May 5, 1939, by St. Stephens Cooperative Creamery Co. from St. Stephens, Minn.; and charging adulteration in violation of the Food and Drugs Act.