

It 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 by weight of milk fat.

Misbranding was alleged in that the label statement "Butter" was false and misleading, since it represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it contained less than 80 percent by weight of milk fat.

On June 14, 1939, a plea of guilty having been entered on behalf of the corporation and a plea of nolo contendere having been entered by Wray, the court imposed fines of \$75 against the corporation and \$25 against the individual.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30706. Adulteration of frozen whole eggs and misbranding of frozen egg yolks. U. S. v. 18 Cans and 25 Cans of Frozen Whole Eggs and 12 Cans of Frozen Egg Yolks. Default decrees of condemnation and destruction with respect to frozen whole eggs. Consent decree of condemnation with respect to frozen egg yolks and product released under bond to be relabeled. (F. & D. Nos. 42446, 42447, 42888. Sample Nos. 18133-D, 18134-D, 18137-D.)

The frozen whole eggs were in part decomposed, and the frozen egg yolks contained added sugar and an excessive amount of added egg white.

On May 19 and June 7, 1938, the United States attorney for the Territory of Hawaii, acting upon reports by the Secretary of Agriculture, filed in the district court two libels (May 19 libel amended July 21, 1938) praying seizure and condemnation of 43 cans of frozen whole eggs and 12 cans of frozen egg yolks at Honolulu, T. H., consigned by Nye & Nissen; alleging that the articles had been shipped in interstate commerce on or about May 13 and 31, 1938, from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act.

The libels alleged that the whole eggs were adulterated in that they were filthy, decomposed, and putrid. The frozen egg yolks were alleged to be adulterated in that substantial quantities of egg white had been added and substituted wholly or in part for the article.

On January 3 and 6, 1939, no claim having been entered for the frozen whole eggs, judgments of condemnation were entered and the product was ordered destroyed. On January 25, 1939, Nye & Nissen, Inc., having filed a claim and answer admitting that the frozen egg yolks contained residual egg white and added sugar and consenting to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned, but that it might be released under bond conditioned that it be labeled: "Egg Yolks with Added Whites and Added Sugar."

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30707. Adulteration of crab meat. U. S. v. 194 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 45489. Sample No. 62777-D.)

This product contained evidence of the presence of filth.

On June 2, 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 194 pounds of claw crab meat at Baltimore, Md., alleging that the article had been shipped on or about May 30, 1939, from Harvey, La., by George Martin Sea Food Co., of Westwego, La.; 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 June 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30708. Misbranding of butter. U. S. v. 4 Cases and 38 Loose Prints of Butter. Default decree of condemnation. Product ordered delivered to a charitable agency. (F. & D. No. 45432. Sample No. 63002-D.)

This product was short of the declared weight.

On May 10, 1939, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 cases and 38 loose