

the district court a libel praying seizure and condemnation of 144 tubs of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about May 21, 1939, from Buckhannon, W. Va., by Bowser Sales & Trading Corporation; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On June 9, 1939, Bowser Sales & Trading Corporation having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

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

**30722. Adulteration and misbranding of sliced smoked salmon. U. S. v. Five Cans of Sliced Smoked Salmon. Default decree of condemnation and destruction. (F. & D. No. 45242. Sample No. 57723-D.)**

This product contained mineral oil.

On April 29, 1939, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cans of sliced smoked salmon at Phoenix, Ariz.; alleging that the article had been shipped in interstate commerce on or about January 25, 1939, from Los Angeles, Calif., by Los Angeles Smoking & Curing Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part; "Laseco Brand."

It was alleged to be adulterated in that mineral oil had been mixed and packed with it so as to reduce or lower its quality; in that mineral oil had been substituted wholly or in part for edible salmon oil; and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the label statement "Sliced Smoked Salmon" was false and misleading and tended to deceive and mislead the purchaser, since mineral oil is not a recognized ingredient of sliced smoked salmon.

On June 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30723. Adulteration of frozen whole eggs. U. S. v. 105 Cans of Whole Eggs. Default decree of condemnation and destruction. (F. & D. No. 45267. Sample No. 38352-D.)**

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part decomposed.

On May 3, 1939, 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 105 cans of frozen whole eggs at New Orleans, La.; alleging that the article had been shipped on or about August 18, 1938, from Topeka, Kans., by Seymour Packing Co.; 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 decomposed animal substance.

On June 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30724. Adulteration of frozen lobster tails. U. S. v. 57 Boxes of Lobster Tails. Default decree of condemnation. Product ordered converted into fertilizer. (F. & D. No. 44717. Sample No. 46163-D.)**

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part decomposed.

On January 27, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 boxes of lobster tails at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about December 30, 1938, from Pittsburgh, Pa., by M. Feigenbaum & Sons (Federal Cold Storage); and charging adulteration in violation of the Food

and Drugs Act. The article was labeled in part: "Captail Brand Tails Langouste."

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

On March 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

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

**30725. Adulteration of frozen fish. U. S. v. 24 Cartons of Perch Fillets. Default decree of condemnation. Product ordered converted into fertilizer. (F. & D. No. 45180. Sample No. 54693-D.)**

This product contained parasitic worms.

On April 15, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cartons of frozen perch fillets at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about March 31, 1939, from New Bedford, Mass., by Atlantic Quick Freeze Co., Inc.; and charging adulteration in violation of the Food and Drugs Act.

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

On June 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

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

**30726. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Charles B. Stout (Majestic Flour Mill). Plea of nolo contendere. Fine, \$150. (F. & D. No. 40821. Sample Nos. 3902-D, 3903-D, 3904-D.)**

Wheat brown shorts and screenings had been substituted in whole or in part for this product. All lots contained crude fiber in excess of the amount claimed, and two contained a smaller proportion of crude protein than that declared.

On June 8, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles B. Stout, trading as Majestic Flour Mill, Aurora, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about October 25, to on or about December 12, 1937, from the State of Missouri into the State of Texas, of quantities of wheat gray shorts and screenings which were adulterated and misbranded.

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole and in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the following statements appearing variously on the tags, (one lot) "Wheat Gray Shorts and Screenings, \* \* \* Crude Protein not less than 17.00 Per Cent, \* \* \* Crude Fiber not more than 6.00 Per Cent," (second lot) "Wheat Gray Shorts and Ground Wheat Screenings, \* \* \* Crude Fiber not more than 5.50%," (third lot) "Wheat Gray Shorts and Ground Wheat Screenings, \* \* \* Protein, not less than 16.00%, \* \* \* Crude Fiber, not more than 5.50%," were false and misleading since the article was not wheat gray shorts and screenings, but was wheat brown shorts and screenings; all lots contained crude fiber in excess of the amount declared, the 3 lots containing 6.91, 7.07, and 6.39 percent of crude fiber, respectively; one lot contained less than the declared 17 percent, namely, 14.22 percent, of crude protein, and another lot contained less than the declared 16 percent, namely, 14.40 percent, of crude protein.

On June 12, 1939, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$150.

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

**30727. Misbranding of wheat gray shorts and screenings. U. S. v. Charles B. Stout (Majestic Flour Mill). Plea of nolo contendere. Fine, \$50. (F. & D. No. 42721. Sample No. 3912-D.)**

This product contained a smaller proportion of crude protein than that declared on the tag.

On June 7, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the