

**17550. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25057. I. S. No. 2367. S. No. 3312.)**

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 26, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Grant Creamery Co., from Grant, Mich., on or about July 22, 1930, and had been transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 1, 1930, the Grant Creamery, Grant, Mich., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed to recondition the product so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17551. Adulteration and misbranding of ground cardamon. U. S. v. 1 Drum of Ground Cardamon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24754. I. S. No. 020810. S. No. 3110.)**

Samples of ground cardamon from the herein described interstate shipment having been found to be adulterated with ginger, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On May 10, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 drum of ground cardamon at Detroit, Mich., alleging that the article had been shipped by I. Wertheimer & Son, from New York, N. Y., on or about April 2, 1930, and had been transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Ground Cardamon."

It was alleged in the libel that the article was adulterated in that ginger had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pure Ground Cardamon," was false and misleading and deceived and misled the purchaser when applied to an article containing ginger. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17552. Adulteration of canned frozen eggs. U. S. v. 366 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24753. I. S. No. 028014. S. No. 3111.)**

Samples of the canned frozen eggs from the herein described interstate shipment having been found to contain decomposed eggs, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 10, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 366 cans of frozen eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Robinson-Hoban Co., from Duluth, Minn., on or about November 22, 1929, to Buffalo, N. Y., and reshipped from said Buffalo to New York, N. Y., on or about March 13, 1930, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Robinson-Hoban Co. Chicago \* \* \* Mixed Egg."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 18, 1930, the Merchants Refrigerating Co., New York, N. Y., having admitted the allegation of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,300, conditioned in part that the good portion be separated from the bad portion, and the former released and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17553. Adulteration of canned tuna. U. S. v. 75 Cases of Canned Tonno, et al. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 24450, 24451. I. S. Nos. 030142, 030143. S. Nos. 2725, 2726.)

Samples of canned tuna from the herein described interstate shipments having been found to contain decomposed fish, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

On January 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 124 cases of canned tonno, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Southern California Fish Corporation, Terminal Island, Calif., alleging that the article had been shipped from Terminal Island, Calif. (Los Angeles Harbor), on or about December 9, 1929, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Marca Rosa Tonno Fish \* \* \* Packed for G. F. Philadelphia, Pa." The remainder of the said article was labeled in part: "Italy Brand Tonno Tuna Italian Style \* \* \* Southern California Fish Corp., Packers, Terminal Island, Calif."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 30, 1930, Louis A. Ludwig & Co., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,200, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17554. Misbranding of butter. U. S. v. 30 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24901. I. S. No. 037976. S. No. 3178.)

Samples of butter from the herein described interstate shipment having been found to be short weight, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.

On June 6, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the De Soto Creamery & Produce Co., Minneapolis, Minn., from Chicago, Ill., and had been transported from the State of Illinois into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Superior Creamery Packed exclusively for Blatter Bros. \* \* \* 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.