

State of Minnesota into the State of Pennsylvania, 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 product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided for by the act of Congress of March 4, 1923.

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

On August 5, 1930, Wm. M. Lippincott & Co., Philadelphia, Pa., having appeared as claimant for the property, 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 \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17653. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24998. I. S. No. 2330. S. No. 3278.)

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 or about July 19, 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 8 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the J. A. Long Co., Union City, Ind., on or about July 15, 1930, and had been transported from the State of Indiana 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 8, 1930, the J. A. Long Co., Union City, Ind., 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 \$300, or the deposit of cash collateral in like amount, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act. On January 6, 1931, one tub of the product having been reconditioned to comply with the terms of the bond and ordered released, an amended decree was entered permitting the shipment of the remaining seven tubs to Middletown, Md., to be manufactured into renovated or process butter, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17654. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25052. I. S. No. 2358. S. No. 3279.)

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 Eastern District of New York.

On July 16, 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 9 tubs of butter, remaining in the original unbroken packages at Garden City, L. I., N. Y., alleging that the article had been shipped by the Buck Grove Creamery, Parkersburg, Iowa, on or about July 5, 1930, and had been transported from the State of Iowa 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 18, 1930, the Great Atlantic & Pacific Tea Co., Garden City, L. I., N. Y., 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 \$300, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17655. Adulteration and misbranding of canned frozen mixed eggs. U. S. v. 714 Cans of Frozen Eggs, Mixed. Product ordered released under bond to be salvaged. (F. & D. No. 24907. I. S. No. 028461. S. No. 3233.)

Samples of canned frozen mixed eggs from the herein described interstate shipment having been found to be decomposed and to bear no statement of the quantity of the contents on the cans, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On or about July 16, 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 714 cans of frozen mixed eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Marshall Kirby Co., from Indianapolis, Ind., on or about June 22, 1930, and had been transported from the State of Indiana into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended.

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

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On August 25, 1930, Marshall Kirby & Co. (Inc.), New York, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel and consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that the good portion be separated from the bad, the rejects denatured for nonfood use, and the passable cans marked with a statement of the net weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17656. Adulteration and misbranding of canned cherries. U. S. v. 74 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24430. I. S. No. 019354. S. No. 2690.)

Samples of canned cherries from the herein described interstate shipment having been found to contain decomposed fruit and worms, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On January 9, 1930, the said United States attorney filed in the District Court for the district aforesaid a libel praying seizure and condemnation of 74 cases of canned cherries, remaining in the original packages at Wallace, Idaho, alleging that the article had been shipped by the Pacific Northwest Canning Co., from Puyallup, Wash., on or about September 4, 1929, and had been transported from the State of Washington into the State of Idaho, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Puyallup Brand * * * Black Cherries, * * * Packed by Pacific Northwest Canning Company, Puyallup, Washington;" (cans) "Famous Puyallup Brand Unsweetened Black Cherries, Packed by Puyallup and Sumner Fruit Growers Canning Co., Canneries at Sumner, Puyallup and Spokane, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.