

On September 16, 1930, the Van Camp Packing Co., claimant, having admitted the allegations as to underweight appearing in the libel and having consented to the entry of a decree, judgment of 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 \$500, conditioned in part that the cans found to be short weight be refilled so that they comply with the requirements of the food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17681. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25063. I. S. No. 2508. S. No. 3350.)

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

On August 20, 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 crates of blueberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by George A. Greenrose, West Rockport, Me., on or about August 18, 1930, and had been transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act.

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

On September 2, 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.*

17682. Adulteration and misbranding of canned sweetpotatoes. U. S. v. 37 Cases of Canned Sweetpotatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24773. I. S. No. 038372. S. No. 3138.)

Samples of canned sweetpotatoes from the herein described interstate shipment having been found to contain decomposed matter, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of North Carolina.

On May 21, 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 37 cases of canned sweetpotatoes, remaining in the original packages at Raleigh, N. C., alleging that the article had been shipped by John H. Dulany & Son, Fruitland, Md., on or about December 2, 1929, and had been transported from the State of Maryland into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Dulany Sweet Potatoes Extra Standard * * * Packed by John H. Dulany & Son, Fruitland, Maryland."

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

Misbranding was alleged for the reason that the statements "Dulany Sweet Potatoes Extra Standard" were false and misleading and deceived and misled the purchaser.

On September 8, 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.*

17683. Adulteration and misbranding of butter. U. S. v. 460 Cases, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25258. I. S. Nos. 6322, 6323, 6331, 6332, 6333. S. No. 3356.)

Samples of print and tub 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 Louisiana.

On or about July 31, 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 460 cases and 105 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Aberdeen Creamery Co., Aberdeen, Miss., on or about

July 11, 1930, and had been transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the print butter was labeled in part: (Retail carton) "Bossie's Best 4 B's Brand Butter * * * Aberdeen Creamery Co., Pasteurized Butter."

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 by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

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

On August 6, 1930, the Kent Dairy Products Corp. (Inc.), Kentwood, La., 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 \$7,600, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17684. Adulteration of canned peas. U. S. v. 754 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24943. I. S. No. 431. S. No. 3315.)

Samples of canned peas from the herein described interstate shipment having been found to contain thistle buds, flower buds, pods and stems, weed seed, stones, and other trash, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On August 8, 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 754 cases of canned peas, remaining in the original unbroken packages at Denver, Colo., consigned by the Oostburg Canning Co., Oostburg, Wis., alleging that the article had been shipped from Oostburg, Wis., on or about July 14, 1930, and had been transported from the State of Wisconsin into the State of Colorado, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a mixture of trash and peas had been substituted for canned peas. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 19, 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.*

17685. Adulteration of canned peaches. U. S. v. 400 Cases, et al., of Canned Peaches. Decree of condemnation and forfeiture. Product released under bond for use as moth bait. (F. & D. No. 24752. I. S. Nos. 033908, 033907. S. No. 3096.)

Samples of canned peaches from the herein described interstate shipment having been found to contain decomposed fruit, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On May 9, 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 567 cases of canned peaches at Memphis, Tenn., consigned about January 4, 1930, alleging that the article had been shipped by the A. J. Evans Marketing Agency, from Fort Valley, Ga., and had been transported from the State of Georgia into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Blue Seal Brand [or "Setter Brand"] * * * Packed By Evans Canning Company Fort Valley, Ga.;" and "Sunny South Brand * * * Packed By Elberta Canning Co. Fort Valley, Georgia."

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

On July 21, 1930, the Evans Canning Co., Fort Valley, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by