

17726. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25278. I. S. No. 7595. S. No. 3525.)

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 Northern District of Illinois.

On or about October 15, 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 7 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Alberta Cooperative Creamery Association, from Alberta, Minn., September 30, 1930, and had been transported from the State of Minnesota into the State of Illinois, 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 therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article; and for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On October 24, 1930, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations 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 released to the said claimant, to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17727. Adulteration of canned sweetpotatoes. U. S. v. 85 Cases, et al., of Canned Sweetpotatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24604, 24605, 24606, 24609. I. S. Nos. 04312, 017155, 017156, 017157. S. No. 2954.)

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

On March 11, 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 246 cases of canned sweetpotatoes, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by Insley & Mitchell, Salisbury, Md., on or about November 6, 1929, and had been transported from the State of Maryland into the State of Virginia, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "I. & M. Brand * * * Sweet Potatoes Packed by Insley & Mitchell, Salisbury, Md." The remaining lots of the article were labeled in part, respectively: "Pine Cone Sweet Potatoes * * * Albert W. Sisk & Sons, Distributors, Preston, Md.;" and "Bellwood Sweet Potatoes * * * Williams-Woodson Company, Inc., Distributors, Richmond, Va."

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

On October 7, 1930, the answer filed by Insley & Mitchell having been withdrawn, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17728. Adulteration and alleged misbranding of butter. U. S. v. 12 Tubs, et al., of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 24686. I. S. Nos. 025665, 025669. S. No. 2855.)

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 Western District of New York.

On February 13, 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 21 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the J. A. Long Co., from Union City, Ind., alleging that the article had been shipped on June 12, 1929, from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Blue Moon."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was represented as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On March 3, 1930, the J. A. Long Co., Portland, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17729. Adulteration of corn flour. U. S. v. 64 Barrels of Corn Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25174. I. S. Nos. 7624, 14031. S. No. 3438.)

Samples of corn flour from the herein described interstate shipment having been found to contain worms, beetles, excreta, web, and mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 1, 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 64 barrels of corn flour, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Armour & Co., from South Omaha, Nebr., September 12, 1930, and had been transported from the State of Nebraska into the State of Illinois, 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 in part of a filthy, putrid, and decomposed vegetable substance.

On October 14, 1930, the Independent Casing Co., Chicago, Ill., claimant, having admitted the allegations 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 released to the said claimant to be resifted under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17730. Adulteration of loganberry screenings. U. S. v. 53 Boxes of Loganberry Screenings. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25142. I. S. No. 7153. S. No. 3405.)

Examination of a dried fruit product known as loganberry screenings from the herein described interstate shipment having been shown that it contained worms, trash, mold, yeast spores, and bore visible evidence of infestation, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On September 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 53 boxes of loganberry screenings, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Willamette Valley Prune Association, Salem, Oreg., on or about July 1, 1930, and had been transported from the State of Oregon into the State of Ohio, 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 contained worms, trash, mold, and yeast spores, and bore evidence of infestation.

On October 27, 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.*