

17745. Adulteration of canned sweetpotatoes. U. S. v. 60 Cases of Canned Sweetpotatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24656. I. S. No. 029407. S. No. 3009.)

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

On March 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 60 cases of canned sweetpotatoes, remaining in the original unbroken packages at Charlottesville, Va., alleging that the article had been shipped by Insley & Mitchell, from Salisbury, Md., on or about December 12, 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. The article was labeled in part: "I. and M. Brand Sweet Potatoes Packed by Insley & Mitchell, Salisbury, Md."

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

On October 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.*

17746. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25273. I. S. No. 4464. S. No. 3492.)

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 October 14, 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 15 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery & Produce Association, Balton (Balaton), Minn., on or about September 30, 1930, and had been transported from the State of Minnesota 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 October 17, 1930, the Fox River Butter Co. (Inc.), New York, N. Y., 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 upon payment of costs and the execution of a bond in the sum of \$450, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17747. Misbranding of vegetable oil. U. S. v. 30 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20264. I. S. No. 21770-v. S. No. E-5421.)

Sample cans of vegetable oil from the herein described interstate shipment having been found to contain less than the amount declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On July 6, 1925, 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 half-gallon cans of oil at Newark, N. J., alleging that the article had been shipped by A. Gash, New York, N. Y., on or about May 15, 1925, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "0.98 of Half Gallon or 3¾ Lbs. Net Extra Oil Quality * * * The Italian Cook Brand Vegetable Salad Oil."