

Adulteration of the tub butter was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be; and for the further reason 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 article purported to be.

Misbranding of the tub butter was alleged for the reason that it was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat. Misbranding of the print butter was alleged for the reason that the statement, "1 Lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser; and for the further 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 package, since the quantity stated on the package was not correct.

On June 24, 1931, Swift & Co. (Ltd.), New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, 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 \$3,150, conditioned that it be reworked or relabeled, as the case might be, under the supervision of this department, so that it meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18795. Misbranding of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 27121. I. S. No. 12949. S. No. 4962.)

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

On June 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Portland, Oreg., on June 6, 1931, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrappers) "Glenwood Creamery Butter Distributed by Swift & Company, General Office; Chicago, U. S. A., Pasteurized 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight," was false and misleading, since the package contained less than 1 pound net; and for the further 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 package, since the quantity stated was not correct.

On June 18, 1931, Swift & Co., having appeared as claimant for the property 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 \$676.80, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18796. Adulteration of celery. U. S. v. 350 Crates of Celery. Default decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 26706. I. S. No. 30546. S. No. 4850.)

Samples of celery from the shipment herein described having been found to bear a large amount of arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 350 crates of celery, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Sanford Oviedo Truck Growers' Association, from Avon Park, Fla., on or about June 18, 1931, and had been transported from the State of Florida into the State of Massachusetts, 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 an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On July 1, 1931, 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.*

18797. Adulteration and misbranding of butter. U. S. v. Forty-three 30-Pound Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26760. I. S. No. 33945. S. No. 4844.)

Samples of butter from the shipment herein described were found to contain less than 80 per cent of milk fat, the standard provided by Congress; examination also showed that the cartons contained less than the declared weight.

On June 18, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty-three 30-pound cases of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Paul A. Schulze Co., St. Louis, Mo., June 3, 1931, and had been transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Blue Ribbon Brand Creamery Butter * * * One Pound * * * David W. Lewis & Company, New York;" (case) "From Paul A. Schulze Co. Mfrs. Butter, St. Louis, Missouri."

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 by act of March 4, 1923.

Misbranding was alleged for the reason that the statement on the label, "One Pound Net," was false and misleading and deceived and misled the purchaser; and for the further 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 package, since the statement, "One Pound Net," was incorrect.

David W. Lewis & Co. (Inc.), New York, N. Y. interposed a claim as agent for Paul A. Schulze Co., St. Louis, Mo., the owner of the product, and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 29, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18798. Adulteration of canned tomato puree. U. S. v. 19 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26455. I. S. No. 22265. S. No. 4743.)

Samples of canned tomato puree from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cases of canned tomato puree, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Meyer Simon Co., from Long Beach, Calif., on or about April 14, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Golden Ram Brand California Tomato Puree Bastanchury Ranch Company, Fullerton, Calif."

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 July 6, 1931, 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.*