

19115. Adulteration of butter. U. S. v. 26 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 27830. I. S. No. 44983. S. No. 5422.)

Examination of butter from the shipment herein described having shown that the samples contained less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Iowa.

On October 29, 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 26 tubs of butter at Sioux City, Iowa, alleging that the article had been shipped by the Farmers Cooperative Creamery Co., from Humboldt, S. Dak., on or about October 20, 1931, and had been transported from the State of South Dakota into the State of Iowa, 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 product containing less than 80 per cent by weight of milk fat had been substituted for butter, which should contain 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

On November 3, 1931, the Farmers Cooperative Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was 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 disposed of contrary to the food and drugs act or the laws of any State.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19116. Adulteration of canned sardines. U. S. v. 149 Cases of Canned Sardines. Decree of condemnation entered. Product released under bond. (F. & D. No. 26931. I. S. No. 36190. S. No. 5123.)

Samples of canned sardines from the shipment herein described were found to be partly diseased and decomposed. The product had been shipped by Connors Bros. (Ltd.), Black's Harbour, New Brunswick, Canada, from Boston, Mass.

On August 31, 1931, the United States attorney for the Western District of Oklahoma, 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 149 cases of canned sardines at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce from Boston, Mass., into the State of Oklahoma, on or about June 8, 1931, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Brunswick Brand Canadian Sardines In Oil Packed By Connors Bros. Ltd. Black's Harbour N. B. Canada."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and for the further reason that it was the product of a diseased animal.

On September 25, 1931, Carroll, Brough & Robinson Wholesale Co., and the Wallace Bros. Brokerage Co., both of Oklahoma City, Okla., having entered an appearance and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the Wallace Bros. Brokerage Co., upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19117. Misbranding of sweet pickles and sweet relish. U. S. v. 89 Cases of Pickles, et al. Default decree of destruction entered. (F. & D. No. 25999. I. S. Nos. 24928, 24929. S. No. 4268.)

Sample bottles of sweet pickles and sweet relish taken from the shipments herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On March 7, 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 89 cases of sweet pickles and 10 cases of sweet relish at St. Paul,

Minn., alleging that the article had been shipped by Walter Diehnelt (Inc.), from Milwaukee, Wis., in part on or about November 15, 1929, and in part on or about September 30, 1930, and had been transported from the State of Wisconsin into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part, respectively: (Bottles) "W. D. Brand Sweet Pickles Purity Quality 16 Oz. Net W. Diehnelt Inc. Milwaukee, Wis.," and "W. D. Brand Sweet Relish Purity Quality 5 Ozs. Net W. Diehnelt Inc. Milwaukee, Wis."

It was alleged in the libel that the articles were misbranded in that the statements, "16 Oz. Net" and "5 Oz. Net" on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct.

On November 10, 1931, no claimant having appeared for the property, judgment was entered ordering that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19118. Adulteration of canned shrimp. U. S. v. 2,555 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27220. I. S. No. 279. S. No. 5392.)

Samples of canned shrimp 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 Northern District of California.

On November 10, 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 2,555 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Texas Canning Co., Galveston, Tex., alleging that the article had been shipped on or about October 10, 1931, from Galveston, Tex., and had been transported in interstate commerce from the State of Texas into the State of California, 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 decomposed and putrid animal substance.

On November 23, 1931, the Texas Canning Co., Galveston Tex., 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 \$5,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or amendments thereof, or to the laws of any State, Territory, district, or insular possession, and further that it be made to conform with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19119. Adulteration of cabbage. U. S. v. 7 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27355. I. S. No. 43651. S. No. 5561.)

Arsenic having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 10, 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 seven hampers of cabbage, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Sam Brown, Martin's Point, S. C., from Charleston, S. C., on or about December 5, 1931, and had been transported from the State of South Carolina 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 contained an added poisonous ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 30, 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.*