

On October 29, 1931, the Wabash Canning Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered. The court having found that the product might be relabeled in such manner as to render it not in violation of the law, ordered that it 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 it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19205. Adulteration and misbranding of canned sliced mushrooms. U. S. v. 40 Cases of Sliced Mushrooms. Default decree of destruction. (F. & D. No. 26709. I. S. No. 25270. S. No. 4832.)

Examination of samples of sliced mushrooms from the shipment herein described having shown that the article contained excessive stems and was short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 26, 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 40 cases of sliced mushrooms, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about April 20, 1931, by Von Bremen-Asche de Bruyn (Inc.), from Wilmington, Del., and had been transported in interstate commerce from the State of Delaware into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "8 Oz. Net Forest-Inn Sliced Mushrooms;" (cans) "Forest-Inn Sliced Mushrooms * * * Sole Distributors Von Bremen-Asche-de Bruyn, Inc. New York."

It was alleged in the libel that the article was adulterated in that excessive stems had been substituted in part for the article.

Misbranding was alleged for the reason that the statement, "8 Oz. Sliced Mushrooms," appearing on the shipping case, and the statements, "Sliced Mushrooms * * * Cultivated Mushrooms * * * Contents 15 Oz. Drained Weight of Mushrooms 8 Oz. * * * These mushrooms * * * Forest-Inn Mushrooms * * * We guarantee them to be * * * of exceptionally high quality," and the design of a mushroom, appearing on the can label, were false and misleading, and deceived and misled the purchaser when applied to mushrooms containing an excessive amount of stems and which were short of the declared contents and of the declared drained weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package, since the statement made was not correct.

On October 22, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19206. Adulteration of butter. U. S. v. 11 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. No. 27149. I. S. No. 39758. S. No. 5299.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 2, 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 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on September 21, 1931, by the Farmers Cooperative Creamery Co., from Hector, Minn., and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act as amended.

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.