

On February 29, 1932, Walter M. Field entered a plea of guilty for the partnership, Walter M. Field & Co., and the court imposed a fine of \$25 against the said partnership. On the same date a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$50 against the corporation.

HENRY A. WALLACE, *Secretary of Agriculture.*

19758. Adulteration of apples. U. S. v. Henry Thomas. Plea of guilty. Fine, \$25. (F. & D. No. 27469. I. S. Nos. 12299, 12300.)

Arsenic was found on the apples in the interstate shipment on which this action was based.

On April 2, 1932, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Henry Thomas, Provo, Utah, alleging shipment by said defendant, in violation of the food and drugs act, on or about March 23, 1931, from the State of Utah into the State of Nevada, of a quantity of apples that were adulterated.

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it injurious to health.

On April 8, 1932, a plea of guilty to the information was entered on behalf of the defendant, and the court imposed a fine of \$25.

HENRY A. WALLACE, *Secretary of Agriculture.*

19759. Adulteration of butter. U. S. v. 13 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27892. I. S. No. 47593. S. No. 5804.)

Samples of butter from the shipment involved in this action having been found to contain less than 80 per cent by weight 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 Ohio.

On or about January 19, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original packages at Columbus, Ohio, consigned by the Fairmont Creamery Co., on or about December 29, 1931, alleging that the article had been shipped in interstate commerce from Guthrie, Okla., to Columbus, 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 a product which contained 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.

On March 12, 1932, the Fairmont Creamery Co., Columbus, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the claimant be permitted to rework the product under the supervision of this department, upon the execution of a bond in the sum of \$350, conditioned that it would not be sold, or otherwise disposed of contrary to the Federal food and drugs act and all other laws; and further conditioned that the claimant pay costs of the proceedings. On April 8, 1932, the conditions of the bond having been complied with, the court ordered that the product be released.

HENRY A. WALLACE, *Secretary of Agriculture.*

19760. Adulteration and misbranding of canned shrimp. U. S. v. 150 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27895. I. S. Nos. 50439, 50446. S. No. 5939.)

Samples of canned shrimp from the shipment involved in this action were found to be partially decomposed. The article also was falsely branded as to the name of the manufacturer and the State in which produced.

On March 10, 1932, the United States attorney for the Eastern District of Louisiana, 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 150 cases of canned shrimp, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce, in part on or about February 23 and February 24, 1932, by J. H. Pelham, from Pascagoula, Miss., to New Orleans, La., and charging adulteration and misbranding in violation of the food and

drugs act. The article was labeled in part: (Cans) "Orleans Brand Shrimp Packed by United Packing Co., New Orleans, La."

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

Misbranding was alleged for the reason that the statements, "Packed by United Packing Co., New Orleans, La.," were false and misleading and deceived and misled the purchaser.

On April 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court, ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19761. Adulteration and misbranding of canned frozen eggs. U. S. v. 118 Cases of Frozen Whole Eggs. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27971. I. S. No. 29622. S. No. 6013.)

Samples of canned frozen whole eggs from the shipment involved in this action were found to contain undeclared added sugar.

On March 31, 1932, the United States attorney for the Western 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 118 cases of canned frozen whole eggs, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Swift & Co., Clinton, Iowa, alleging that the article had been shipped in interstate commerce on or about January 23, 1932, from Clinton, Iowa, to Buffalo, N. Y., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Whole X."

It was alleged in the libel that the article was adulterated in that frozen eggs containing undeclared added sugar had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Whole X" (meaning whole eggs), was false and misleading and deceived and misled the purchaser.

On April 28, 1932, Swift & Co. of Buffalo, N. Y., claimant, having admitted the material 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 relabeled, upon payment of costs and the execution of a bond in the sum of \$1,300, conditioned in part that it should not be sold or otherwise disposed of contrary to the food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19762. Adulteration of celery. U. S. v. 264 Crates of Celery. Default decree entered. Portion of product delivered to Government agency for experimental purposes; remainder destroyed. (F. & D. No. 27991. I. S. No. 43234. S. No. 6016.)

Arsenic was found on celery taken from the shipment involved in this action.

On or about March 26, 1932, the United States attorney for the Western 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 264 crates of celery, remaining in the original unbroken crates at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 17, 1932, by Chase & Co., from Beardall, Fla., to Buffalo, N. Y., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Crates) "Pre-cooled and Each Stalk Washed—Chase & Co. Sanford, Florida."

It was alleged in the article that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On April 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that eight crates of the celery be delivered to this department for experimental purposes, and that the remainder be destroyed by the marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19763. Adulteration of canned shrimp. U. S. v. 15 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27920. I. S. No. 51735. S. No. 5960.)

Samples of canned shrimp from the interstate shipment involved in this action were found to be partially decomposed.