

White Brand Sweet Potatoes;" "Gypsy Boy Brand Sweet Potatoes;" "Sunflower Brand Extra Quality New Jersey Sweet Potatoes."

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

On June 10, 1932, no claimant having appeared for the property, a decree was entered adjudging the product to be adulterated and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19908. Misbranding of canned cherries. U. S. v. 20 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. No. 27930. I. S. No. 32169. S. No. 5964.)**

This action involved the interstate shipment of a quantity of canned cherries which fell below the standard promulgated by the Secretary of Agriculture for canned cherries and which failed to comply with the Federal food and drugs act, since it was not labeled "substandard."

On March 18, 1932, the United States attorney for the District of Idaho, 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 20 cases of canned cherries, remaining in the original unbroken packages at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about September 3, 1931, by Zion's Wholesale Grocery, from Salt Lake City, Utah, to Idaho Falls, Idaho, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Utah Fawn Brand Pitted Red Cherries packed by the Wright-Whittier Co., Ogden, Utah. \* \* \* guaranteed by the Wright-Whittier Co. under the Food and Drugs Act, June 30, 1906."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the liquid portion read less than 16° Brix and its label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard. Misbranding was alleged for the further reason that the following statement appearing on the label, "Guaranteed by the Wright-Whittier Co. under the Food and Drugs Act June 30, 1906, Serial No. 26100," was false and misleading and deceived and mislead the purchaser.

On May 10, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19909. Adulteration and misbranding of butter. U. S. v. 32 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 4170-A. F. & D. No. 28421.)**

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On or about June 2, 1932, the United States attorney for the Northern District of Illinois, 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 32 cases of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce May 19, 1932, by the Monroe City Creamery Co., from Monroe City, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The records of this department indicate that the product was shipped from Monroe City, Mo., and the shipment was so reported to the United States attorney.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On June 21, 1932, the Waskow Butter Co., Chicago, Ill., 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 for reworking under the supervision of this department, 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 otherwise disposed of contrary to the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19910. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 3265-A. F. & D. No. 28476.)**

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On or about June 25, 1932, the United States attorney for the Northern District of Illinois, 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 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 17, 1932, by Schumacher & Son, from Jefferson, Wis., to Chicago, Ill., 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 therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On June 30, 1932, the Peter Fox Sons Co., Chicago, Ill., 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 for reworking under the supervision of this department, 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 otherwise disposed of contrary to the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19911. Adulteration of butter. U. S. v. 62 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1605-A. F. & D. No. 28350.)**

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 6, 1932, the United States attorney for the Western District of Washington, 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 62 cubes of butter, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about May 3, 1932, by the American Produce Co., from Portland, Oreg., to Tacoma, Wash., 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, a product which should contain not less than 80 per cent of milk fat, as provided by the act of March 4, 1923.

On June 4, 1932, the American Produce Co., Portland, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned by extracting the excess moisture and thereby increasing the percentage of butterfat so that it would comply with the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*