

the statements "Net Weight 1 Lb. 2 oz." and "Net Weight 1 Pound," on the labels of respective portions of the canned hominy, and the statement "Contents 1 Pound," on the label of the canned red beans, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated on the labels was incorrect.

Adulteration was alleged with respect to 61 cases of Nature's Best sauerkraut for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 12, August 23, September 17, October 6, and October 29, 1932, the Brown Bros. Brokerage Co., a Colorado corporation, having appeared as claimant for the property, and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered. It was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$3,375, conditioned that they be relabeled under the supervision of this department and that they should not be sold or otherwise disposed of in violation of the laws of the United States or the State of Colorado. It was further ordered that all cans of the said Nature's Best sauerkraut that were found to be decomposed, be destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19977. Adulteration and misbranding of butter. U. S. v. 43 Cubes of Butter. Product released under bond for reworking. (No. 1099-A. F. & D. No. 28457.)

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

On June 22, 1932, the United States attorney for the Southern District of California, 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 43 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 18, 1932, by the Valley Creamery (Ltd.), from Milford, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Butter Keep Cool * * * Valley Creamery, Ltd., Milford, Utah."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding of the article 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.

On July 13, 1932, the Lucerne Cream & Butter Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$500, a decree was entered ordering that the product be delivered to the claimant for reworking under the supervision of this department. On July 28, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

HENRY A. WALLACE, *Secretary of Agriculture.*

19978. Adulteration and misbranding of butter. U. S. v. 18 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (No. 4169-A. F. & D. No. 28420.)

This action was based on the interstate 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 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 18 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 13, 1932, by the Stanford Creamery Co., from Stanford, Ky., 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, lower, and injuriously affect its quality and strength, 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 of the article was alleged for the reason that it had been sold and shipped as, and labeled 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 disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, *Secretary of Agriculture.*

19979. Adulteration and misbranding of cheese. U. S. v. 68 Cheeses. Default decree of condemnation, forfeiture, and destruction. (Nos. 8076-A, 8078-A, 8080-A. F. & D. No. 28361.)

This action involved the shipment of quantities of cheese that was found to contain excessive moisture and to be deficient in fat.

On May 26, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 68 cheeses, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 11, 1932, by F. F. Marquardt, from Stratford, Wis., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wisconsin Factory * * * Department of Agriculture Wisconsin State Brand."

It was alleged in the libel that the article was adulterated in that a substance containing excessive moisture had been substituted in whole or in part for cheese, which the article purported to be.

Misbranding was alleged in the libel for the reason that the article was offered for sale under the distinctive name of another article, since it was invoiced as "Twins" and "D Daisies," and was sold under a contract containing the provision, "This cheese to be Wisconsin State Brand quality white cheese."

On July 20, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19980. Adulteration of walnut meats. U. S. v. 9½ Boxes of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (Nos. 2048-A, 2049-A. F. & D. No. 28381.)

This action involved the shipment of a quantity of walnut meats, samples of which were found to be in part decomposed, moldy, and wormy.

On June 6, 1932, the United States attorney for the District of Colorado, 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 nine and one-half boxes of walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by Leon Mayer, Los Angeles, Calif., alleging that the article had been shipped in interstate commerce from Los Angeles, Calif., to Denver, Colo., in part on or about April 8, 1932 and May 16, 1932, respectively, 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 1, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*