

On July 14, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

28035. Adulteration of blueberries. U.S. v. 6 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28749, 28760, 28848. Sample Nos. 9056-A, 9072-A, 9471-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.

On August 10, 11, and 15, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 3 lots, comprising 15 crates of blueberries, at Boston, Mass., consigned on or about August 9, 10, and 12, 1932, alleging that the article had been shipped in interstate commerce by E. A. Burns, of Lawry, Maine, from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From E. A. Burns, Lawry, Me."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18 and September 1, 1932, no claimant having appeared for the property, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20036. Adulteration of blueberries. U.S. v. 7 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28753, 28757, 28762. Sample Nos. 9064-A, 9466-A, 9473-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.

On August 8, 10, and 11, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 3 lots, comprising 15 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 7, 9, and 10, 1932, alleging that the article had been shipped in interstate commerce by John Wainio, from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From John Wainio, Rockland [or "West Rockport"] Me."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20037. Adulteration of blueberries. U.S. v. 5 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28751, 28764. Sample Nos. 9061-A, 9476-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.

On August 10 and 11, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2 lots, consisting of 5 crates and 6 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., consigned on or about August 9 and 10, 1932, alleging that the article had been shipped in interstate commerce by H. E. Pendleton, from Camden, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From H. E. Pendleton, Camden, Me."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1932, no claimant having appeared for the property, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

contained less than 4 grams of acetic acid per 100 cubic centimeters, i.e., less than the minimum acidity required for vinegar.

On July 2, 1932, the United States attorney for the District of Montana, 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 65 barrels of vinegar at Bozeman, Mont., alleging that the article had been shipped in interstate commerce on or about May 2, 1932, by the Keller-Lorenz Co., from Spokane, Wash., to Bozeman, Mont., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "KL Brand Apple Cider Vinegar, 52 Gal., 45 Grs."

It was alleged in substance in the libel that the article was misbranded and that the statements on the label, "KL Brand Apple Cider Vinegar, 52 Gal., 45 Grs.", were false and misleading and deceived and misled the purchaser, since they represented that the article had an acetic acid content of 45 grains, or $4\frac{1}{2}$ grams per 100 cubic centimeters, whereas it contained a less amount. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of "vinegar", when in fact it was not vinegar but was a product with an acetic acid content of less than 4 grams per 100 cubic centimeters. (This latter charge applied only to that portion of the product which was found to contain less than 4 grams of acetic acid per 100 cubic centimeters.)

On August 26, 1932, the Lovelace Grocery Co., Bozeman, Mont., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20042. Adulteration of poppy seed. U.S. v. 2 Bags of Poppy Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28502. Sample No. 8738-A.)

This case involved a quantity of poppy seed, samples of which were found to be contaminated with rodent and insect excreta.

On July 23, 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 2 bags of poppy seed which had been shipped by Levy & Levis Co., Inc., New York, N.Y., to Buffalo, N.Y. It was alleged in the libel that the article had been shipped from Holland, that it has been entered at the Port of New York on or about April 1, 1932, and that it had been shipped from New York, N.Y., to Buffalo, N.Y., on or about May 5, 1932, where it remained in the original unbroken packages, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On August 30, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20043. Adulteration of poppy seed. U.S. v. 1 Bag, et al., of Poppy Seed. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28505, 28506. Sample Nos. 8870-A, 8871-A.)

These cases involved quantities of poppy seed, samples of which were found to be contaminated with rodent and insect excreta; live-insect infestation also was found in the samples examined.

On July 23, 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 libels praying seizure and condemnation of four bags of poppy seed, which had been shipped by the Biddle Purchasing Co., from New York, N.Y. to Buffalo, N.Y. It was alleged in the libels that the article had been shipped from Holland, that it had been entered at the port of New York on or about February 2, 1932, that it had been shipped from New York, N.Y., to Buffalo, N.Y., on or about February 11, 1932, where it remained in the original unbroken packages, and that it was adulterated in violation of the Food and Drugs Act.