

at Troy, N.Y., alleging that the article had been shipped in interstate commerce by Paul A. Schulze Co., from East St. Louis, Mo. (Illinois), on or about May 19, 1932, 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 product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

Misbranding was alleged for the reason that the packages were labeled "butter", which was false and misleading since the article contained less than 80 percent of milk fat.

On July 26, 1932, Paul A. Schulze Co., claimant, consenting 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 upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be made to comply with the law under the supervision of this Department, and conditioned further that it should not be disposed of except in compliance with the law, State, city, and Federal, and particularly, that it contain at least 80 percent of butter fat.

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

20067. Adulteration of butter. U.S. v. 11 Cubes of Butter. Product released under bond for reworking. (F. & D. No. 28474. Sample No. 988-A.)

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

On July 2, 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 11 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 28, 1932, by Beaver Valley Creamery, from Milford, Utah, to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Beaver Valley Creamery Beaver, Utah."

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

On July 5, 1932, Joseph Thorup, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$100, a decree was entered ordering that the product be delivered to the claimant for reworking under the supervision of this Department. On July 7, 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 proceeding.

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

20068. Adulteration of apples. U.S. v. 22 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28459. Sample No. 4919-A.)

This action involved the interstate shipment of a quantity of apples which were found to bear arsenic and lead in an amount which might have rendered the article injurious to health.

On June 10, 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 22 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on May 27, 1932, by Prentice Packing & Cold Storage Co., from Yakima, Wash., to Chicago, Ill., 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 contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts that might have rendered the article injurious to health.

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.*