

**20492. Adulteration and misbranding of butter. U. S. v. 5 Cases and 2 Cases of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 28690. Sample nos. 1568-A, 1569-A.)**

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress. The article also was found to be rancid.

On July 29, 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 seven cases of butter, remaining in the original unbroken packages at Longview, Wash., alleging that the article had been shipped in interstate commerce on or about July 25, 1932, by Frye & Co. from Portland, Oreg., to Longview, Wash., 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 it consisted in whole or in part of a filthy, decomposed, or putrid animal substance. Adulteration was alleged for the further reason 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.

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 percent of butterfat.

On December 24, 1932, Frye & Co., Portland, Oreg., claimant, having consented to the destruction of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that costs of the proceedings be assessed against claimant.

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

**20493. Adulteration of canned salmon. U. S. v. 250 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29092. Sample no. 15065-A.)**

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be in part decomposed.

On October 21, 1932, the United States attorney for the Eastern 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 250 cases of canned salmon, remaining in the original packages at Walla Walla, Wash., alleging that the article had been shipped on or about August 31, 1932, by the Superior Packing Co., from Tenakee, Alaska, to Seattle, Wash., that it had been reshipped from Seattle to Walla Walla, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Blue and White Brand Pink Salmon."

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

On December 20, 1932, the Superior Packing Co., Tenakee, Alaska, having appeared as claimant 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 to be reconditioned so as to comply with the provisions of the Food and Drugs Act, upon payment of costs and the execution of a bond in the sum of \$500.

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

**20494. Adulteration of cheese. U. S. v. 7 Cheeses, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29076. Sample nos. 4391-A, 4392-A.)**

This action involved the interstate shipment of a quantity of cheese, examination of which showed the product to be deficient in fat.

On October 21, 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 10 cheeses at Chicago, Ill., alleging that the article had been shipped in part on or about May 3, 1932, and in part on or about August 13, 1932, by Armour Creameries Co., from Monroe, Wis., 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 a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

On December 13, 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.*

**20495. Adulteration of dressed chickens. U. S. v. 3 Boxes Containing 23 Chickens. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29053. Sample no. 17253-A.)**

This action involved the interstate shipment of dressed chickens which were diseased and decomposed.

On October 13, 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 three boxes containing 23 dressed chickens, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 1, 1932, by the Jerome Cooperative Creamery, from Jerome, Idaho, to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The boxes were labeled in part: "No. 2 Col Fowls"; "No. 2 Fryers."

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 animal substance, and was the product of diseased animals.

On November 18, 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.*

**20496. Adulteration of canned salmon. U. S. v. 865 Cases of Canned Salmon. Portion of product released unconditionally. Consent decree condemning 70 27/48 cases. Order of release under bond for separation and destruction of unfit portion. (F. & D. no. 28739. Sample no. 1478-A.)**

This action involved a shipment of canned salmon, consisting of various coded lots. One of the coded lots, which was intermingled with the entire shipment, was found to be in part decomposed.

On August 20, 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 865 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Kadiak Fisheries Co., from Kodiak, Alaska, on or about July 9, 1932, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The cases were labeled "Kadiak Fish Kodiak", and coded variously "K045, etc."

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

On November 14, 1932, the Kadiak Fisheries Co., Kodiak, Alaska, having appeared as claimant for the property, the court entered an order releasing all salmon with the exception of the lot coded "K045", consisting of 70 cases and 27 cans. On December 1, 1932, the claimant having admitted the allegations of the libel with respect to the said lot and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that a portion of the condemned goods might be unadulterated, ordered that it be released to the claimant upon payment of costs and the execution of a bond, conditioned that the unfit salmon be segregated and destroyed.

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

**20497. Adulteration of canned shrimp. U. S. v. 496 Cases of Canned Shrimp. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 28368. Sample no. 11058-A.)**

This action involved the interstate shipment of a quantity of canned shrimp which was found to be in part decomposed.

On June 2, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District