

On March 20, 1933, 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.*

20871. Adulteration of dried apple pomace. U. S. v. 65¹ Sacks of Dried Apple Pomace. Default decree of destruction entered. (F. & D. no. 29946. Sample no. 35105-A.)

This case involved a quantity of dried apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On March 16, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 65 sacks of dried apple pomace at Cincinnati, Ohio, consigned by the Gilbert Apple Products Co., September 20, 1932, alleging that the article had been shipped in interstate commerce from Rochester, N.Y., to Cincinnati, Ohio, 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 or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 27, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

20872. Adulteration and misbranding of butter. U. S. v. 106 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29954. Sample no. 21507-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. Certain retail cartons examined also were found to contain less than 1 pound, the declared weight.

On March 2, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 106 cartons, each containing 30 retail cartons of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on February 7, 1933, by the Spur Creamery, from Spur, Tex., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Retail carton) "C. B. L. (best butter) * * * One Pound Net."

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.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the label, were false and misleading. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

The Spur Creamery, Spur, Tex., appeared through an agent and filed a claim for the product, admitted the allegations of the libel, and consented to the entry of a decree. On March 8, 1933, judgment of condemnation and forfeiture was entered, the decree providing that the butter be released to the claimant under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat, and that the packages be marked with the true quantity of the contents.

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

20873. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29956. Sample no. 31524-A.)

This case involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 6, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure of 34 tubs of butter

at New York, N.Y., alleging that the article had been shipped in interstate commerce into the State of New York, by the Lakota Creamery Co., Lakota, N.Dak., through the Kedney Warehouse Co., Grand Forks, N.Dak., on February 17, 1933, 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 percent by weight of milk fat had been substituted for butter.

On March 15, 1933, S. & W. Waldbaum, Inc., New York, N.Y., 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 claimant upon payment of costs and the execution of a bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

20874. Misbranding of apple butter. U. S. v. 131 Cases of Apple Butter. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29959. Sample nos. 30163-A, 30419-A.)

This case involved an interstate shipment of apple butter, sample jars of which were found to contain less than 16 ounces, the declared weight.

On or about March 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 131 cases of apple butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about February 2 and February 10, 1933, by the Waynesboro Fruit Exchange, from Waynesboro, Pa., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Eclipse Brand Pure Apple Butter Waynesboro Fruit Exchange, Waynesboro, Pa., Contents 16 oz."

Misbranding was alleged for the reason that the statement on the label, "Contents 16 oz.", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 31, 1933, the Waynesboro Fruit Exchange, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court 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 be relabeled.

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

20875. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29960. Sample no. 31519-A.)

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

On March 2, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 17 tubs of butter at New York, N.Y., alleging that the article had been shipped by the Creighton Cooperative Creamery Co., Creighton, Nebr., in care of the Nebraska Cooperative Creameries, Inc., Omaha, Nebr., February 14, 1933, and had been transported from the State of Nebraska into the State of New York, 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 percent by weight of milk fat had been substituted for butter.

The Nebraska Cooperative Creameries, Inc., Omaha, Nebr., appeared through an agent and filed a claim for the product, admitting the allegations of the libel and consenting to the entry of a decree. On March 11, 1933, judgment of condemnation and forfeiture was entered, the decree providing that the butter be released to the claimant under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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