

the district court a libel praying seizure and condemnation of 47 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 10, May 14, and May 15, 1933, by the Hattiesburg Creamery & Produce Co., from Hattiesburg, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "Extra Fancy Morning Glory Creamery Butter Morning Glory Creameries, Inc. One Pound Net Weight."

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 the act of March 4, 1923.

Misbranding was alleged for the reason that the statements on the label, "Butter", "One Pound Net Weight", and "Morning Glory Creameries Inc.", were false and misleading, since the article contained less than 80 percent of milk fat, the packages contained less than 1 pound, and the Morning Glory Creameries were not the manufacturers of the product. 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 packages, since the statement made was not correct.

On September 18, 1933, the Hattiesburg Creamery & Produce Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 \$600, conditioned that it be brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21480. Adulteration of canned reindeer meat. U. S. v. 1,195 Cases of Canned Reindeer Meat. Default decree of condemnation and destruction. (F. & D. no. 28639. Sample no. 13666-A.)

This case involved a shipment of canned reindeer meat which was found to be in part unsterile and decomposed.

On August 10, 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 a libel praying seizure and condemnation of 1,195 cases of canned reindeer meat at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about June 27, 1932, by the Lomen Reindeer Corporation, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lomen Alaskan Reindeer Arctic Brand Picnic Loaf * * * Packed by Lomen Reindeer Corp'n. Nome, Alaska, Seattle, Washington, New York, N. Y."

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

On August 12, 1933, the claim and answer of the Lomen Reindeer Corporation having been withdrawn, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21481. Adulteration of tomato trimmings. U. S. v. 1,238 5-Gallon Cans of Tomato Trimmings. Default decree of condemnation and destruction. (F. & D. no. 28359. Sample no. 7122-A.)

This case involved a shipment of canned tomato trimmings which were found to contain worms and mold, and evidences of decomposition.

On May 26, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one thousand two hundred and thirty-eight 5-gallon cans of tomato trimmings at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about May 16, 1932, by the Florida Canning Co., from Miami, Fla., 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 wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On August 4, 1933, a default was noted for failure of the parties in interest to show cause why decree should not be entered, and the court ordered the product condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*