

21482. Adulteration of canned pumpkin. U. S. v. 30 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 26416. I.S. no. 29787. S. no. 4742.)

This case involved a shipment of canned pumpkin which was found to be in part decomposed.

On May 27, 1931, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned pumpkin at Dover, Del., alleging that the article had been shipped in interstate commerce, on or about January 16 and February 11, 1931, by Wm. Laning & Son Co., from Bridgeton, N.J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, Cumberland Co., N.J."

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

On August 5, 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.

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

21483. Adulteration and misbranding of butter. U. S. v. 15 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30910. Sample no. 40749-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.

On July 25, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 18, 1933, by Armour Creamery, from Des Moines, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Armour's Cloverbloom Full Cream Butter * * * Distributed by Armour Creameries."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "butter", which was false and misleading in that said article contained less than 80 percent of milk fat.

On August 15, 1933, Armour & Co., Chicago, Ill., 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 in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department.

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

21484. Misbranding of butter. U. S. v. Western Meat Co. Plea of guilty. Fine, \$200. (F. & D. no. 29517. Sample no. 195-A.)

Sample cartons of butter taken from the shipment on which this case was based were found to contain less than the declared weight, 1 pound.

On August 5, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Meat Co., a corporation, South San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 6, 1932, from the State of California to Honolulu, Hawaii, of a quantity of butter which was misbranded. The article was labeled in part: "Monarch Brand Creamery Butter Pasteurized 1 Pound Net Weight, Distributed by Western Meat Company."

It was alleged in the information that the article was misbranded in that the statement "1 Pound Net Weight", borne on the package containing the article, was false and misleading, and for the further reason that the article