

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

On January 9, 1934, 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.*

21930. Misbranding of gray wheat shorts and screenings. U. S. v. 88 100-Pound Sacks of Gray Wheat Shorts and Screenings. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 31732. Sample no. 63678-A.)

This case involved an interstate shipment of gray wheat shorts and screenings that contained more crude fiber than was declared on the label.

On November 25, 1933, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 one-hundred-pound sacks of gray wheat shorts and screenings at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about October 10, 1933, by the Black Bros. Flour Mills Co., from Beatrice, Nebr., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sack) "Crude Fibre Max. 6.00%, * * * Black Bros. Flour Mills, Beatrice, Nebr."

It was alleged in the libel that the article was misbranded in that the statement, "Crude Fibre Max. 6.00%", was false, since the article contained more than 6 percent of crude fiber.

On December 5, 1933, Black Bros. Flour Mills Co., Beatrice, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 \$100, conditioned that it be relabeled.

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

21931. Adulteration and misbranding of potatoes. U. S. v. 2,400 Bags of Potatoes. Default decree of condemnation and forfeiture. Good portion sold and bad portion destroyed. (F. & D. no. 31734. Sample no. 35124-A.)

This case involved an interstate shipment of potatoes which were represented to be United States Grade No. 1 but which were below grade because of the presence of wet rot and other grade defects.

On December 15, 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 a libel praying seizure and condemnation of two thousand four hundred 15-pound bags of potatoes at Cincinnati, Ohio, consigned December 9, 1933, alleging that the article had been shipped in interstate commerce by the Idaho Sales Co., from Jerome City, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Three Star Brand U.S. Number 1."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "U.S. Number 1", was false and misleading and deceived and misled the purchaser.

On January 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the good potatoes be separated from the rotted potatoes and that the former be sold and the latter destroyed.

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

21932. Adulteration of butter. U. S. v. 6 Cans, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31737, 31738, 31739. Sample nos. 51795-A to 51797-A, incl.)

This case involved various interstate shipments of butter that was contaminated with filth, insects, rodent, human, and sheep hair, fragments of feathers, larvae, and nondescript debris. A portion of the article contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 18, 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 a libel praying seizure and condemnation of certain quantities of butter at New York, N.Y., charging that the article was adulterated in viola-

tion of the Food and Drugs Act. It was alleged in the libel that 6 unlabeled cans of butter had been shipped on or about December 4, 1933, from Abingdon, Va., by Payne Produce Co., that 3 tubs of butter had been shipped on or about December 4, 1933, from Charlotte, N.C., by M. L. Kiestler, and that 7 cans of butter had been shipped on or about December 4, 1933, from Sylvatus, Va., by Sylvatus Grocery Co.

The libel charged that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance. Adulteration was further alleged with respect to 7 cans of the product in that an article deficient in butterfat had been substituted wholly or in part for butter, which it purported to be.

On January 19, 1934, 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.*

21933. Misbranding of tomato juice. U. S. v. 195 Cases of Tomato Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31750. Sample no. 39257-A.)

Sample cans of tomato juice taken from the shipment involved in this case were found to contain less than the declared volume.

On December 19, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 cases of tomato juice at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about July 5, 1933, by the Empire State Pickling Co., from Phelps, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver Floss Brand Tomato Juice Contents 1 Pt. 4 Fl. Oz. Packed at Phelps, N.Y., by Empire State Pickling Co."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Pt. 4 Fl. Oz.", was false and misleading and deceived and misled the purchaser. 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 statement made was incorrect.

On January 20, 1934, the Empire State Pickling Co., 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 \$300, conditioned that it be relabeled under the supervision of this Department.

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

21934. Adulteration of olives. U. S. v. 5 Barrels of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31751. Sample nos. 56051-A, 56054-A.)

This case involved a shipment of olives that were in part wormy.

On December 21, 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 5 barrels of olives at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about December 6, 1933, by the Quaker Maid Co., from Terre Haute, Ind., 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 vegetable substance.

On February 9, 1934, 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.*

21935. Adulteration of whole eggs. U. S. v. 133 Cans of Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31753. Sample no. 64109-A.)

This case involved a shipment of whole eggs that were found to be partly decomposed.

On December 22, 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 133 cans of whole