

22048. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32380. Sample no. 66073-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 February 9, 1934, 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 eight tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce from Paducah, Ky., on or about January 30, 1934, by the McKenzie Milk Products Co., of McKenzie, Tenn., 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, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 14, 1934, the McKenzie Milk Products Co. having appeared through an agent as claimant for the property and having admitted the allegations of the libel and 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 \$200, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

22049. Adulteration of butter. U. S. v. 194 Tubs of Butter. Product released under bond to be reworked. (F. & D. no. 32382. Sample nos. 68604-A, 68635-A.)

This case involved shipments 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 February 15, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 194 tubs of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about May 31 and June 1, 1933, by the Davis-Cleaver Produce Co., from Quincy, 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 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.

On February 26, 1934, the Davis-Cleaver Produce Co. having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$6,000, conditioned that the product be reworked so that it comply with the law.

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

22050. Adulteration of canned shrimp. U. S. v. 25 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31600. Sample nos. 37390-A, 49064-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On November 15, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned shrimp at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by the Gulf Coast Products Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Coast Brand Shrimp * * * Packed by Gulf Coast Products Co., Inc., Point A. Lahache, La.

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

On December 15, 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.*

22051. Adulteration of canned shrimp. U. S. v. 818 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31200. Sample nos. 44907-A, 44908-A, 44909-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On October 3, 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 a libel praying seizure and condemnation of 818 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 27, 1933, by Devitt & Sons Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Edgewater Fancy Baby Shrimp * * * Packed by Devitt & Son Co., New Orleans, La."

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

On February 20, 1934, Devitt & Sons Co. 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 \$700, conditioned in part that it be made to conform with the provisions of the Federal Food and Drugs Act, under the supervision of this Department.

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

22052. Adulteration of apples. U. S. v. 28 Bushels of Apples. Default decree of destruction. (F. & D. no. 31306. Sample no. 52455-A.)

This case involved an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On October 6, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bushels of apples at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about September 22, 1933, by Toney Hartman, from Wathena, Kans., 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 injurious to health.

On January 3, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

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

22053. Adulteration and misbranding of graham crackers. U. S. v. 713 Cases of Graham Crackers. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31960. Sample nos. 45473-A, 45474-A, 45478-A, 47702-A, 47703-A.)

This case involved a shipment of a product represented to consist of orange and honey-flavored graham crackers. Examination failed to detect the presence of any orange flavor in the product. All packages examined were found to contain less than 2 pounds, the declared weight.

On February 8, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 713 cases of graham crackers at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by the American Cracker Co., from Seattle, Wash., in various shipments on or about January 13, 20, 24, and 27, 1934, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "San Francisco Biscuit Co. Orange Flavored Honey Flavored Graham Crackers Sweetened with Sugar 2 Pounds Net Weight."