

that the product be sold by the United States marshal, provided that it first be converted into inedible tallow.

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

22253. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered sold as inedible tallow. (F. & D. no. 31813-B. Sample no. 54474-A.)

This case involved a shipment of butter which contained mold, rodent hairs, fragments of flies, cow hairs, metal filings, wood splinters, and nondescript debris.

On January 5, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 10 tubs of butter at Washington, D. C., alleging that the article was in the possession of the Terminal Refrigerating & Warehousing Corporation, stored for Mrs. C. R. Greer, Washington, D. C., and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Jacob Beachy Aurora, West Virginia."

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

On May 21, 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 sold by the United States marshal, provided that it first be converted into inedible tallow.

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

22254. Adulteration of boneless herring. U. S. v. 1,248 Boxes of Smoked Boneless Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31745. Sample no. 54738-A.)

This case involved a shipment of boneless herring which was found to be moldy.

On December 18, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,248 boxes of smoked boneless herring at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 6, 1933, from Eastport, Maine, by McLaughlin Bros., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Boneless Digby Chick * * * McLaughlin Bros. Seal Cove NB Canada."

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

On April 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.*

22255. Misbranding of potatoes. U. S. v. Reedsburg Supply Co. Plea of guilty. Fine, \$10. (F. & D. no. 29462. I.S. no. 53117.)

This case was based on an interstate shipment of potatoes represented to be United States grade No. 1, but which were below the grade specified, having been found to average about 40 percent grade defects consisting mostly of deep scab, shattered and growth cracks.

On March 28, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Reedsburg Supply Co., a corporation, Reedsburg, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 3, 1932, from the State of Wisconsin into the State of Illinois, of a quantity of potatoes which were misbranded. The article was labeled in part: (Tag) "United States Grade No. 1."

It was alleged in the information that the article was misbranded in that the statement "United States Grade No. 1", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were not United States Grade No. 1.

On December 6, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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