

On August 4, 1934, Swift & Co., the sole intervenor, having interposed no objections to the entry of a decree, 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.*

22851. Adulteration and misbranding of butter. U. S. v. 20 Pounds of Butter. Default decree of destruction. (F. & D. no. 33188. Sample no. 3001-B.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 5, 1934, 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 20 pounds of butter at Cincinnati, Ohio, consigned on or about June 28, 1934, alleging that the article had been shipped in interstate commerce, by Mary L. Burton, from Harper, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was sold as and purported to be butter, when it should contain not less than 80 percent by weight of milk fat.

On July 5, 1934, no claimant having appeared, the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

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

22852. Adulteration of apples. U. S. v. 41 Baskets, et al., of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 33220, 33221. Sample nos. 5806-B, 5811-B.)

These cases involved two shipments of apples, one lot of which contained excessive arsenic and the other excessive arsenic and lead.

On July 18 and July 19, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 99 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 17 and July 18, 1934, by E. A. Mechling, from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, namely, arsenic in one lot, and arsenic and lead in the other, which might have rendered it harmful to health.

On August 6, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

22853. Adulteration of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33224. Sample no. 6914-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 19, 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 37 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 11, 1934, by the Nebraska Cooperative Creamery Co., from Omaha, Nebr., for the Arnold Cooperative Creamery, Arnold, Nebr., 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 Congress of March 4, 1923.