

24599. Adulteration of butter. U. S. v. 27½ Cases of Butter. Consent decree of destruction. (F. & D. no. 35106. Sample nos. 4768-B, 4769-B, 4770-B.)

This case involved a shipment of butter which contained mold, insects, and nondescript dirt.

On December 27, 1934, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27½ cases of butter at Roanoke, Va., alleging that the article had been shipped in interstate commerce on or about December 1, 1934, by Swift & Co., from Lexington, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Brookfield Butter * * * Distributed by Swift & Company General Offices: Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 30, 1935, Swift & Co. having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24600. Adulteration of tomato catsup. U. S. v. 24 Cases and 46 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35114, 35434. Sample nos. 21569-B, 21613-B, 30714-B.)

These cases involved shipments of tomato catsup that contained excessive mold.

On or about February 8 and April 25, 1935, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 70 cases of tomato catsup at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about January 7 and January 23, 1935, by the Red Wing Co., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Wing Pure Tomato Catsup * * * The Red Wing Company, Inc. Fredonia, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 7, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24601. Misbranding of honey. U. S. v. 351 Cases of Honey. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35127. Sample no. 25173-B.)

Sample cans of honey taken from the shipment involved in this case were found to contain less than 10 pounds, the weight declared on the label.

On February 9, 1935, 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 351 cases of honey at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 6 and December 8, 1934, by William Atchley, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Pack California Honey From William Atchley Upland, California Net Weight 10 Pounds."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 10 Pounds", was false and misleading and tended to deceive and mislead 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 April 18, 1935, William Atchley, 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 that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24602. Adulteration of tomato puree. U. S. v. 99 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35139. Sample no. 11970-B.)

This case involved a shipment of tomato puree, samples of which were found to contain fragments of bodies of worms and insects, small insects, and worm hair.