

The article was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article below U. S. grade No. 1.

On July 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29364. Adulteration and misbranding of butter. U. S. v. 80 Boxes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43510. Sample No. 30090-D.)

This product contained less than 80 percent of milk fat.

On August 22, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by Petersburg Cooperative Creamery from Petersburg, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Crystal Farm Brand Butter * * * Packed Exclusively for Penn Mutual Co-Operative Grocers Corporation, Philadelphia."

The article was alleged to be 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.

It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On August 24, 1938, C. J. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29365. Adulteration of cherries. U. S. v. 45 Baskets of Cherries. Default decree of destruction. (F. & D. No. 43068. Sample No. 29851-D.)

This product was contaminated with lead.

On July 9, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 baskets of cherries at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 8, 1938, by J. Edward McGowan from Marlborough, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Peter Clenets Red Hook, N. Y."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29366. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of destruction. (F. & D. No. 43140. Sample No. 12961-D.)

This product was infested with maggots.

On July 23, 1938, 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 three crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 16, 1938, by J. A. Murphy from Atkinson, N. C.; and charging adulteration in violation of the Food and Drugs Act.

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

On August 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*