

of 20 boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce in part on or about December 11, 1938, and in part on or about December 31, 1938, by the Garfield Cooperative Creamery from Garfield, Minn.; and charging that the article was adulterated and that a portion was also misbranded in violation of the Food and Drugs Act.

Adulteration was alleged 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.

A portion of the article was alleged to be misbranded in that it was labeled "Butter," which statement was false and misleading, since the product contained less than 80 percent of milk fat.

On December 30, 1938, and January 9, 1939, the Garfield Cooperative Creamery having appeared as claimant, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

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

30054. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Default decree of condemnation and destruction. (F. & D. No. 43393. Sample No. 31165-D.)

This product was filthy and decomposed.

On July 26, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 10-gallon cans of cream at Colorado Springs, Colo.; alleging that the article had been shipped in interstate commerce on or about July 22, 1938, by O. S. Reed from Amarillo, Tex.; 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, and putrid animal substance.

On July 26, 1938, the consignee having consented to destruction of the product, the court entered judgment of condemnation and destruction.

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

30055. Misbranding of olive oil. U. S. v. 1,797 Cans of Olive Oil. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44309. Sample No. 34105-D.)

This product was short of the declared volume.

On November 7, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,797 cans of olive oil at Perry Point, Md.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, by West Tea & Coffee Co. from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents 1 Quart West's Monterey Brand Edible Olive Oil, E. R. West Packer, New York."

It was alleged to be misbranded in that the statement "Net Contents 1 Quart" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume. It was alleged to be misbranded further in that it 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 quantity stated was not correct.

On December 5, 1938, West Tea & Coffee Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to conform to the requirements of the law.

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

30056. Adulteration of apples. U. S. v. 22 Crates of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44543. Sample No. 45941-D.)

This product was contaminated with arsenic and lead.

On October 26, 1938, 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 22 crates of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 23, 1938, from Grand Rapids, Mich., by Max Amrol to himself at Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.