

demnation of 325 boxes of figs, and 250 boxes of dried peaches, remaining in the original unbroken packages at New York, N. Y., consigned October 31, 1930, alleging that the articles had been shipped in interstate commerce by Glanzer Bros., from San Francisco, Calif., into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the articles were adulterated in that they consisted in whole or in part of filthy and decomposed or putrid vegetable substances, namely, in the case of the figs, insect-infested, moldy, and sour figs, and in the case of the dried peaches, insect-infested, decayed, and dirty peaches.

On December 4, 1930, Glanzer Bros (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the figs be destroyed by the United States marshal. It was further ordered by the court that the peaches be released to the claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that the good portion be separated from the bad and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17896. Misbranding of butter. U. S. v. William Douglas Meltzer (Fort Smith Creamery Co.). Plea of guilty. Fine, \$10. (F. & D. No. 25024. I. S. Nos. 07580, 07581.)

Sample cartons of butter from the shipment herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Arkansas.

On September 2, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against William Douglas Meltzer, trading as the Fort Smith Creamery Co., Fort Smith, Ark., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about March 6, 1929, from the State of Arkansas into the State of Louisiana, of a quantity of butter which was misbranded. The article was labeled in part: "1 Lb. Net Weight."

It was alleged in the information that the article was misbranded in that the statement "1 Lb. Net Weight," borne on the package containing the article, was false and misleading in that the said statement represented that the packages each contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages each contained 1 pound net of butter, whereas the said packages did not contain 1 pound net of the article, but did contain a less amount. 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.

On January 12, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17897. Adulteration of walnuts. U. S. v. 10 Bags of Walnuts, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25361. I. S. No. 10797. S. No. 3635.)

Samples of walnuts from the herein-described shipment having been found to be wormy, moldy, rancid, decomposed, shriveled, and empty, i. e., about 21 per cent inedible nuts, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On November 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 bags of walnuts, remaining in the original unbroken packages at St. Louis, Mo., alleging, among other allegations, that the article had been shipped by the L. C. Mercantile Co., Fort Wayne, Ind., on or about June 13, 1930, and had been transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 29, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*