18412. Adulteration of canned pimientos. U. S. v. 114 Cases, et al., of Pimientos. Product ordered released under bond, the unfit portion to be destroyed and the remainder to be reconditioned. (F. & D. Nos. 25469, 25586. I. S. Nos. 10790, 10791. S. Nos. 3749, 3895.)

Samples of canned pimientos from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 10 and December 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 147 cases of canned pimientos, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., in part on or about September 3, 1930, and in part on or about September 4, 1930, and had been transported from the State of Georgia into the State of Missouri, and charging adulteration in violation of the food and drugs act.

The portions of the article which were seized by the United States marshal were labeled in part, variously: (Jars) "Sunshine Brand Pimientos Pomona Products Co., Griffin, Ga. * * * First Quality;" "Altus The AJG * * * Pimientos The Amos-James Grocer Co., Distributors;" "White Ribbon Brand KS Co. * * * Pimientos Distributed by Krenning-Schlapp Grocer Co., St. Louis, Mo.;" "Liberty Brand * * * Sweet Red Peppers;" "Cedar Hill Brand * * * Pimientos Hassendeubel Grocery Co. Distributors St. Louis, Mo.;" "Clover Farm * * * G. & P. Co. Brand Pimientos Distributed by Clover Farm Stores National Headquarters Cleveland, Ohio;" "Topmost * * * Tibbitts-Hewitt Grocery Co., Distributors, St. Louis, Mo. Red Pimientos."

It was alleged in the libels that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 13, 1931, the Pomona Products Co., Griffin Ga., having appeared as claimant for the property and having filed bonds in the sum of $300, conditioned as provided by law, decrees were entered approving the bonds and ordering that the product be delivered to the claimant to be shipped to its plant at Griffin, Ga., and examined under the supervision of this department; that the portion unfit for human consumption be destroyed and the remainder reconditioned by sterilization, and that none of the said product be disposed of until inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18413. Adulteration of butter. U. S. v. 1 Car of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25259. I. S. No. 6062. S. No. 3370.)

Samples of butter from the shipment herein described having been found to fall below the standard provided by act of Congress, namely, to contain less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 19, 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 one car of butter, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Sugar Creek Creameries, Danville, Ill., on or about August 4, 1930, and had been transported from the State of Illinois into the State of Ohio, 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 deficient in milk fat had been substituted for butter which the said article purported to be, and in that it contained less than 80 per cent by weight of milk fat.

On October 14, 1930, the De Coursey Cream Co., Wichita, Kans., 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 product be released to the said claimant for salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of $500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*