

the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On January 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Alberta Cooperative Creamery Association, a corporation, Alberta, Minn., alleging shipment by said company on or about April 21, 1931, in violation of the food and drugs act as amended, from the State of Minnesota into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as prescribed by the act of March 4, 1923.

On January 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19536. Adulteration of cabbage. U. S. v. 121 Crates of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27357. I. S. No. 42952. S. No. 5566.)

Arsenic having been found on cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 121 crates of cabbage, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about December 4, 1931, by the South Carolina Produce Association, from Geraty, S. C., and had been transported from the State of South Carolina into the State of Pennsylvania, 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 contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render the article injurious to health.

On January 4, 1932, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19537. Adulteration of tullibeas. U. S. v. 247 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27358. I. S. No. 39391. S. No. 5547.)

Samples of tullibeas from the shipment herein described having been found to contain cysts, indicating infestation by parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On December 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 247 boxes of the said tullibeas, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Charles E. Griggs, Chicago, Ill., alleging that the article had been shipped on June 11, 1931, from Chicago, Ill., and had been transported from the State of Illinois 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 article was adulterated in that it consisted, wholly or in part, of a filthy animal substance, and for the further reason that it was a portion of an animal unfit for food.

On February 12, 1932, 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.*

19538. Adulteration of tomato puree. U. S. v. 1,120 Cases, et al., of Tomato Puree. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 26527, 26528, 26713, 26719, 26725. I. S. Nos. 11715, 11716, 11717, 11718, 11720. S. Nos. 4841, 4842, 4843, 4857, 4876.)

Samples of tomato puree taken from the various shipments herein described were found to contain excessive mold.

On June 24, June 25, and July 2, 1931, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agri-

culture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6,938 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Pleasant Grove Canning Co., in part from Pleasant Grove, Utah, and in part from Orem, Utah, on various dates between February 13, 1931 and June 1, 1931, and had been transported in interstate commerce from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Timpanogos Brand [or "Pleasant Grove Brand"] Tomato Puree Packed By Pleasant Grove Canning Co., Pleasant Grove—Orem, Utah." The remainder of the said article was labeled in part: (Can) "Golden Rey Brand Tomato Puree Packed For Pacific Wholesale Grocery Company, Los Angeles."

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

On June 21, 1932, the Pleasant Grove Canning Co., Pleasant Grove, Utah, having filed a claim and answer admitting the allegations of the libel and praying release of the property for the purpose of separating the decomposed portion from the edible portion, orders were entered by the court permitting release of the said product to the claimant upon the execution of bonds totaling \$5,203.50, conditioned upon the proper separation as aforesaid, and further conditioned that it should not be disposed of contrary to the provisions of the Federal food and drugs act or the laws of the State of California, and that claimant pay costs. On June 28, 1932, the court having found that the conditions of the bonds had been complied with, judgments were entered condemning the article as adulterated and ordering that the release be made permanent and the bonds exonerated.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19539. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Consent decree of condemnation. Product released under bond. (F. & D. No. 27354. I. S. No. 47751. S. No. 5560.)

Examination of the shipment of potatoes involved in this action, which were labeled U. S. Grade No. 1, showed that the article was below grade, since it contained about 20 per cent of grade defects consisting of sunburn, dry-rot, cuts, second growth, growth cracks, and pitted, scabby, misshapen potatoes.

On December 10, 1931, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 240 sacks of potatoes, remaining in the original packages at Owensboro, Ky., alleging that the article had been shipped by Leonard, Crosset & Riley, Greenville, Mich., November 27, 1931, and had been transported from the State of Michigan into the State of Kentucky, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. Grade No. 1. Good Luck Michigan Potatoes."

It was alleged in the libel that the article was misbranded in that the statement "U. S. Grade No. 1" was false and misleading and deceived and misled the purchaser, since the said statement represented that the article complied with the standard established as the official United States Grade No. 1 for potatoes, whereas it was of a lower standard and grade.

On January 11, 1932, the Smith & Clark Co., Owensboro, Ky., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product adulterated in violation of section 8, paragraphs 2 and 4 of the act. (The word adulterated apparently was used inadvertently, since section 8 of the act defines misbranding.) The decree ordered that the product be condemned, and further ordered that it be released to the said claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled as "U. S. Grade—Unclassified," that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or other existing laws, and that claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*