20137. Adulteration of celery seed. U.S. v. 8 Bags of Celery Seed. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 28500. Sample No. 8478-A.)

This action involved the interstate shipment of a quantity of celery seed, samples of which were found to contain rodent excreta.

On July 22, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 eight packages of celery seed, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 7, 1932, by Rene Moellhausen, from New York, N.Y., to Philadelphia, Pa., 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 26, 1932, L. H. Parke & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned 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 disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20138. Adulteration of butter. U.S. v. 26 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28699. Sample No. 12006-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 2, 1932, 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 of the United States for the district aforesaid a libel praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce by the Earl Creamery, Earl, Wis., through Northwest Dairy Forwarding Co. Duluth, Minn., on or about July 23, 1932, to New York, N.Y., 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 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 as provided by the act of March 4, 1923.

William G. Hollrock, New York, N.Y., interposed a claim admitting the allegations of the libel and consenting to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent by weight of butterfat. On August 15, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of $700, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20139. Misbranding and alleged adulteration of butter. U.S. v. Centralia Dairy Co. Demurrer to information filed. Demurrer overruled. Plea of guilty to count 2 of information. Remaining counts nolle prossed. Fine, $100 and costs. (F. & D. No. 27473. I.S. Nos. 22159, 22160, 22161, 22162, 22193, 22194, 22252, 22253, 22254, 22277 to 22283, incl.)

This case was based on the shipment of 16 lots of butter in packages labeled as containing 1 pound net weight. Sample packages taken from each of the shipments were found to contain less than 1 pound. Samples from 10 of the shipments were also found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 22, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information