

Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 463 bushels of apples at Chicago, Ill., consigned by C. C. Kniebes, Watervliet, Mich., alleging that the article had been shipped in interstate commerce from Watervliet, Mich., in various consignments on September 16, September 17, September 22, and October 12, 1932, and had been transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

In was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

Cornelius C. Kniebes filed a claim and answer to the two libels involving 100 bushels and 283 bushels, respectively, of the product, admitted the allegations of the libels, and consented to the entry of decrees. On November 23, 1932, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said 378 bushels of the product be released to the claimant to be washed in order to remove the deleterious ingredients, upon payment of costs and the execution of bonds totaling \$1,000, conditioned that the article should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws. No claim or answer was filed in the cases involving the remainder of the product, and on November 16 and December 15, 1932, judgments were entered ordering that the product be condemned and forfeited and that it be destroyed by the United States marshal.

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

20424. Adulteration of apples. U. S. v. 25 Bushels, et al., of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29088, 29089, 29090, 29142. Samples nos. 24836-A, 24837-A, 24853-A, 24859-A, 24860-A, 24873-A.)

These actions involved the interstate shipment of quantities of apples that were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On October 1, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 291 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various consignments by Otto Kelder, from South Haven, Mich., to Chicago, Ill., between the dates of September 23 and September 28, 1932, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

C. H. Weaver & Co., Chicago, Ill., appeared and filed a claim and answer admitting the allegations of the libels and consenting to the entry of a decree. On October 6, 1932, the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered. The court having found that the product might be washed so that it could be sold without violation of the law, ordered that it might be released to the claimant to be washed to remove the deleterious substances, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the apples should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

20425. Adulteration and misbranding of butter. U. S. v. 90 Boxes, et al., of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. nos. 29070, 29212. Sample nos. 9498-A, 16404-A.)

These actions involved interstate shipments of quantities 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 October 3 and October 10, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 207 boxes of butter, remaining in the original and unbroken packages at Springfield, Mass., consigned in part on or about September 21, 1932, and in part on or about September 29, 1932, alleging that

the article had been shipped in interstate commerce by the North American Creameries, Inc., from Paynesville, Minn., to Springfield, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the product was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

The North American Creameries Co., Inc., Boston, Mass., appeared as claimant for the property and admitted the allegations of the libels. On October 18, 1932, the cases having been consolidated into one cause of action, 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 \$3,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. It was further ordered that the product be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat.

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

20426. Adulteration of apples. U. S. v. 165 Barrels, et al., of Apples. Product released under bond for cleaning to remove deleterious substances. (F. & D. nos. 29156, 29158, 29159. Sample nos. 23959-A, 23960-A, 23961-A.)

These actions involved the interstate shipment of quantities of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 5, 1932, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 165 barrels and 650 bushel baskets of apples at Burlington, Iowa, alleging that the article had been shipped in interstate commerce in various consignments on or about September 15, 17, and 20, 1932, respectively, by H. M. Seymour, from Fall Creek, Ill., to Burlington, Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown & Packed By H. M. Seymour Payson, Ill."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, lead and arsenic, which might have rendered it injurious to health.

On October 17, 1932, H. M. Seymour, Fall Creek, Ill., having appeared as claimant for the property and having filed bonds in the total sum of \$1,500, conditioned that the product be made to conform to the law, judgments were entered by the court ordering that the apples be released to the claimant for washing and cleaning to remove the deleterious substances, and that all expenses and costs incurred be paid by claimant.

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

20427. Adulteration of canned salmon. U. S. v. 150 Cases of Sea Flyer Brand Alaska Pink Salmon. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 29197, 29198. Sample no. 7062-A.)

This action involved the interstate shipment of a quantity of canned salmon which was found to be partially decomposed.

On November 4, 1932, the United States attorney for the Southern District of Alabama, 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 150 cases of canned salmon at Mobile, Ala., alleging that the article had been shipped in interstate commerce by McGovern & McGovern, on or about September 11, 1932, from Seattle, Wash., to Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sea Flyer Brand Alaska Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 23, 1932, the Standard Packing Co., Seattle, Wash., having admitted the allegations of the libel and having consented to the entry of a