

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 3, 1932, by Arrow Creamery Co., Hazen, N. Dak., through Northwest Dairy Forwarding Co., from Duluth, Minn., 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 act of March 4, 1923.

Joseph J. Herold, New York N. Y., interposed a claim for the property as agent for the Arrow Creamery Co., Hazen, N. Dak., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On November 29, 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 \$300, conditioned in part that the product be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

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

20500. Adulteration and misbranding of shelled peanuts. U. S. v. 225 Bags of Shelled Peanuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28825. Sample no. 15138-A.)

This action involved a quantity of shelled peanuts that were found to be in part wormy and worm eaten; no declaration of quantity of contents appeared on the packages.

On September 1, 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 a libel praying seizure and condemnation of 225 bags of shelled peanuts, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 25, 1932, by Columbian Peanut Co., from Norfolk, Va., to Tacoma, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it was wormy and worm eaten and consisted of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 24, 1932, Fisher-Dahl Nut Products Co., Tacoma, Wash., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reconditioning, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the peanuts should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State, Territory, District, or insular possession, and the further condition that the claimant should furnish satisfactory evidence of its compliance with the terms of said bond.

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

20501. Adulteration of apples. U. S. v. 25 Bushel of Grimes Golden Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29084. Sample no. 24630-A.)

This action involved the interstate shipment of a quantity of apples which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On September 30, 1932, the United States attorney for the Southern District of Indiana, 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 25 bushels of Grimes Golden apples at Muncie, Ind., alleging that the article had been shipped in interstate commerce on or about September 21, 1932, by William Hamilton, from Bangor, Mich., to Muncie, Ind., 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 added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the product harmful to health.

On December 5, 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.

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

20502. Adulteration and misbranding of butter. U. S. v. 31 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29069. Sample no. 9497-A.)

This action involved the interstate shipment of a quantity 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 September 29, 1932, the United States attorney for the District of Massachusetts, 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 31 boxes of butter, remaining in the original and unbroken packages at Springfield, Mass., consigned on or about September 19, 1932, alleging that the article had been shipped in interstate commerce by the Dickinson Creamery Co., from Dickinson, N.Dak., to Springfield, Mass., and charging adulteration and misbranding 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, which the article purported to be.

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

On November 18, 1932, the Dickinson Creamery Co., Dickinson, N.Dak., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, 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 butter 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.*

20503. Adulteration and misbranding of canned shrimp. U. S. v. 12 Cases and 51 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29190. Sample nos. 16409-A, 16410-A.)

This action involved the interstate shipment of two lots of canned shrimp, which was in part decomposed; sample cans also were found to contain less than the declared weight. The article, because of the presence of excessive brine, fell below the standard of fill of container promulgated by the Secretary of Agriculture, and was not labeled: "Slack Fill. Contains Excess Added Liquid."

On November 3, 1932, the United States attorney for the District of Massachusetts, 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 63 cases of canned shrimp, remaining in the original and unbroken packages at Salem, Mass., alleging that the article had been shipped in interstate commerce on or about August 27, 1932, by the Nassau Packing Co. Inc., from Jacksonville, Fla., to Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: (Can) "Net Weight Wet Pack 5¾ Ozs. Ponce de Leon Brand Nassau Shrimp * * * Packed by Nassau Sound Packing Co., Jacksonville, Fla. S. S. Goffin, Proprietor." The remainder was labeled in part: (Can) "Wet Pack 5¾ Ounces Net Weight St. Johns Brand Fresh Shrimp Goods Guaranteed * * * The Nassau Sound Packing Co., Nassauville, Fla."

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

Misbranding of the article was alleged for the reason that the statements, "Net Weight 5¾ Ozs." and "5¾ Ounces Net Weight", were false and mis-