

Misbranding was alleged in that the article was labeled butter, which was false and misleading since it contained less than 80 percent of milk fat.

On November 1, 1938, the Beatrice Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29691. Adulteration of tullibeas. U. S. v. 6 Boxes of Tullibeas. Default decree of condemnation and destruction. (F. & D. No. 44208. Sample No. 13050-D.)**

This product was infested with parasitic worms.

On October 10, 1938, 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 a libel praying seizure and condemnation of six boxes of tullibeas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 4, 1938, by B. A. Arnesen, from Roosevelt, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29692. Adulteration of canned salmon. U. S. v. 91½ Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. No. 43739. Sample Nos. 36042-D, 36044-D, 36045-D, 36048-D.)**

Samples of this product were found to be decomposed.

On September 7, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91½ cases of unlabeled canned salmon at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about June 3, 1938, by the Alaska Salmon Co. from Naknek, Alaska; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29693. Adulteration of pears. U. S. v. 16 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 44173. Sample No. 33399-D.)**

This product was contaminated with arsenic and lead.

On September 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bushels of pears at Chicago, Ill.; alleging that the article, consigned to John Geurkink, Chicago, Ill., had been shipped in interstate commerce on or about September 19, 1938, by Clarence Riddering, via truck of John Geurkink, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Harry T. Gast, St. Joseph, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 11, 1938, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29694. Adulteration of salted peanuts. U. S. v. 10 Cartons of Peanuts. Default decree of condemnation and destruction. (F. & D. No. 43672. Sample No. 38100-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of peanuts at Hammond, La.; alleging that the article had been shipped on or about August 1, 1938, by Planters Nut & Chocolate Co. from Memphis, Tenn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29695. Misbranding of olive oil. U. S. v. 34 Gallons of Olive Oil. Default decree of condemnation and destruction.** (F. & D. No. 44077. Sample Nos. 26505-D, 26508-D.)

This product was short of the declared volume.

On October 5, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 gallons of olive oil at New Brunswick, N. J.; alleging that the article had been shipped in interstate commerce, on or about July 27, 1938, by Antonio Corrao, from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Net Madre Sicilia Olive Oil \* \* \* Sicilian Olive Oil Importing Co."

It was alleged to be misbranded in that the statement "One Gallon Net" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29696. Adulteration of apple butter. U. S. v. 44 Cases of Apple Butter. Default decree of condemnation and destruction.** (F. & D. No. 43986. Sample No. 31292-D.)

This product contained rodent hairs.

On September 28, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cases of apple butter at Johnstown, Pa.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by Old Virginia Packing Co., Inc., from Front Royal, Va.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Old Virginia Superior Quality Pure Apple Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29697. Adulteration of apples. U. S. v. 55 Bushels of Apples. Consent decree of condemnation with provision for release for removal of deleterious substances.** (F. & D. No. 44243. Sample No. 32187-D.)

This product was contaminated with arsenic and lead.

On September 30, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 bushels of apples at Munster, Ind.; alleging that the article had been shipped in interstate commerce on or about September 20, 1938, from Benton Harbor, Mich., by Walter L. Mills to himself at Munster, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "R. P. Myers R-2 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.