28950. Supplement to notice of judgment No. 27183. Conviction for contempt of court for the unlawful disposal of goods seized under libel charging violation of the Food and Drugs Act. U. S. v. Walter F. Deeth. Fine, $50. (F. & D. No. 39052. Sample No. 13808–C.)

On May 19, 1937, judgment of condemnation and destruction was entered in the United States District Court for the Western District of Texas, against 11 cases of sorghum-flavored sirup which had been shipped by Penick & Ford, Ltd., Inc., from Harvey, La., to San Antonio, Tex., and which had been seized under a libel charging misbranding in that the cans contained less than the amount declared on the label, namely, 5 pounds. (Notice of Judgment No. 27183.)

The product had been seized in possession of the National Grocer Co., San Antonio, Tex., the consignee, and had been left in custody of that firm. When the United States marshal attempted to carry out the order of destruction, he ascertained that the product had been disposed of.

On July 16, 1937, Walter F. Deeth, secretary of the National Grocer Co., was cited for contempt of court. He was charged with having delivered goods which had been attached by order of the court, to C. L. Pugh, of San Antonio, Tex., a representative of the shipper, and he was convicted of the charge and sentenced to pay a fine of $50.

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

28951. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and destruction. (F. & D. No. 40883. Sample No. 46663–C.)

This product contained mold, and a portion was deficient in milk fat.

On November 12, 1937, 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 27 tubs of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 26, 1937, from New Martinsville, W. Va., by Bowser Sales & Trading Corporation, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance. A portion was alleged to be adulterated further 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.

On May 20, 1938, Bowser Sales & Trading Corporation, claimant, 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.*

28952. Adulteration of flour. U. S. v. 490 Bags of Flour. Decree of condemnation. Product released under bond. (F. & D. No. 40478. Sample No. 43836–C.)

This product was weevil-infested.

On October 13, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 490 bags of flour at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about June 12 and July 11, 1936, by the Fisher Flouring Mills Co. from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fisher's Morbread Flour Fisher Flouring Mills Company Seattle."

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

On November 15, 1937, the Fisher Flouring Mills Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be reconditioned for some purpose other than human consumption.

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

28953. Adulteration of cream. U. S. v. 1 10-Gallon Can and 2 10-Gallon Cans of Cream. Default decrees of condemnation and destruction. (F. & D. Nos. 40368, 40369. Sample Nos. 48379–C, 48601–C.)

This product was filthy and decomposed.

On or about August 31 and September 3, 1937, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of