

It was alleged to be misbranded in that the statement on the label, "U. S. Utility", was false and misleading and deceived and misled the purchaser since the apples were below U. S. Utility grade because of grade defects, chiefly worm injury, cracks, and skin breaks.

On December 22, 1936, Wray, Goodwin & Kayt, claimants, having admitted the allegations of the libel, and having consented that judgment of condemnation and forfeiture be entered, a decree was entered finding the product misbranded and ordering that it be released on condition that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

26890. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 38805. Sample no. 9503-C.)

This product contained less than 80 percent of milk fat.

On November 9, 1936, 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, and on November 14, 1936, an amended libel, praying seizure and condemnation of four tubs of butter at North Hawthorne, N. J., alleging that it had been shipped in interstate commerce on or about October 26, 1936, from the Boyceville Cooperative Creamery, of Boyceville, Wis., by the Farmers Cooperative Creamery, of Glenwood City, Wis., in a pool car shipment, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be 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 by weight of milk fat, as provided by the act of Congress of March 4, 1923.

On December 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26891. Adulteration of apples. U. S. v. 30 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38811. Sample no. 25934-C.)

These apples were contaminated with arsenic and lead.

On or about November 19, 1936, 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 30 bushels of apples at Hammond, Ind., alleging that they had been shipped in interstate commerce on or about October 28, 1936, by Louis Weiss, from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kings Reuben Wendzel Coloma, Mich."

It 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 December 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26892. Adulteration of apples. U. S. v. 756 Boxes of Apples (and two other libel proceedings). Consent decrees of condemnation. Product released under bond. (F. & D. nos. 38810, 38812, 39067. Sample nos. 25689-C, 25696-C, 26108-C.)

This product was contaminated with arsenic and lead.

On or about November 16 and November 18, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,268 boxes of apples at Chicago, Ill., alleging that they had been shipped in interstate commerce from Hood River, Oreg., in part on or about October 22, October 29, and November 2, 1936, by the Apple Growers Association, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Diamond Brand * * * Packed & Shipped by Apple Growers Association Hood River, Oregon."

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

On November 16 and November 18, 1936, the Apple Growers Association, Hood River, Oreg., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond for salvaging.

W. R. GREGG, *Acting Secretary of Agriculture.*

26893. Misbranding of shelled pecans. U. S. v. 195½ Cases of Shelled Pecans. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38813. Sample no. 12259-C.)

The containers of this product had a false bottom and bore an erroneous declaration of the quantity of the contents.

On December 14, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195½ cases, each containing 12 cardboard baskets, of shelled pecans, at Somerville, Mass., alleging that they had been shipped in interstate commerce on or about November 18, 1936, by the Southland Pecan Co. Inc., from Columbus, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. They were labeled in part: "Fresh Gold Medal Shelled Nuts Net Weight 7 [the figure 7 had been written over a printed figure 6] Oz. when packed Southland Pecan Co. Inc. Columbus, Ga."

The article was alleged to be misbranded in that the statement "Net Wt. 7 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article in packages containing less than 7 ounces. Misbranding was alleged for the further reason that the package was slack-filled and bore a device, namely, a cardboard false bottom, which was misleading since the package did not contain the quantity of food it purported to contain. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 4, 1937, the Southland Pecan Co. Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the old labels be destroyed and new labels affixed correctly describing the product.

W. R. GREGG, *Acting Secretary of Agriculture.*

26894. Adulteration and misbranding of butter. U. S. v. 26 Boxes of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 28829. Sample nos. 11684-C, 11687-C, 11689-C.)

This butter contained less than 80 percent by weight of milk fat.

On November 27, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 boxes of butter at Springfield, Mass., consigned about November 16, 1936, alleging that it had been shipped in interstate commerce by North American Creameries, Inc., from Oaks, N. Dak., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be, the act of Congress of March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

It was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, butter.

On December 22, 1936, North American Creameries, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contained at least 80 percent by weight of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

26895. Adulteration of frozen shrimp. U. S. v. 4 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38831. Sample no. 17537-C.)

This product was in whole or in part decomposed.

On December 3, 1936, 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 four boxes of frozen shrimp at New York, N. Y., alleging that the article had been shipped