

On December 29, 1936, the Peter Fox Sons 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 it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

26913. Adulteration and alleged misbranding of butter. U. S. v. 2, 14, 14, 13, and 11 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 38893. Sample no. 28431-C.)

This case involved butter that contained less than 80 percent of milk fat.

On December 11, 1936, 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 54 tubs of butter at Pittsburgh, Pa., alleging that it had been shipped in interstate commerce on or about November 14, 1936, by Swift & Co., from Paris, Tex., 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 of milk fat had been substituted for butter.

It was alleged to be misbranded in that it was represented to be butter, which was false and misleading since it contained less than 80 percent of milk fat.

On January 23, 1937, Swift & Co., claimant, having admitted the allegation of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated, and ordering that it be condemned and released under bond on condition that it should not be disposed of as butter until it had been reworked to contain 80 percent of milk fat.

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

26914. Adulteration and misbranding of potatoes. U. S. v. 360 Bags of Potatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38895. Sample no. 31299-B.)

These potatoes were below the grade indicated on the label.

On December 10, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of potatoes at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about December 3, 1936, by C. H. Runciman, of Lowell, Mich., from Le Roy, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Runciman's Lowell Brand U. S. Grade No. One Michigan Potatoes * * * C. H. Runciman, Lowell, Michigan."

The article was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted wholly or in part for U. S. Grade No. 1 potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement "U. S. No. One Grade" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. No. 1 grade.

On December 14, 1936, C. H. Runciman, having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled.

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

26915. Misbranding of canned pears. U. S. v. 300 Cases of Canned Pears. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38896. Sample no. 23869-C.)

These pears failed to conform to the standard established by the Secretary of Agriculture because they were not of normal size, were not uniform in size, and were not in unbroken halves; and the label failed to bear a statement indicating that the product was substandard.

On or about December 31, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned pears at Tacoma, Wash., alleging that they had been shipped in interstate commerce on or about December 5, 1936, by the P. J. Burk Canning Co., from Milton, Oreg., and charging misbranding in violation of the