

district court a libel praying seizure and condemnation of 180 sacks of apple chops at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 2, 1934, by the Washington Dehydrated Food Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

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

On September 6, 1935, no claimant having appeared, judgment was entered finding the product adulterated, and ordering its destruction.

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

25011. Adulteration of tomato catchup. U. S. v. 51 Cases, et al., of Tomato Catchup. Decrees of condemnation. Portion of product released under bond. Remainder destroyed. (F. & D. nos. 35352, 35464, 35617, 35631, 36282, 36584. Sample nos. 11771-B, 26737-B, 26933-B, 35636-B, 35683-B, 35691-B.)

These cases involved shipments of tomato catchup which was adulterated because of the presence of worms and insects or filth resulting from worm and insect infestation.

On April 9, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cases of tomato catchup at Scottsbluff, Nebr. On or about May 9, June 8, September 26, and October 3, 1935, libels were filed against 81 cases of tomato catchup at Cheyenne, Wyo.; 30 cases at Albuquerque, N. Mex.; 42 cases at Santa Fe, N. Mex.; 50 cases at Jacksonville, Fla.; and 181 cases at San Francisco, Calif. The libels charged that the article had been shipped in interstate commerce between the dates of October 26, 1934, and August 24, 1935, by Libby, McNeill & Libby, from Blue Island, Ill.; Manzanola, Colo.; Rocky Ford, Colo.; and San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled, variously: "Libby's Tomato Catchup [or "Rose-Dale Brand Tomato Catchup"] * * * Packed by Libby, McNeill & Libby Chicago"; "Silver-Dale Brand Tomato Catchup * * * Packed at canneries located in California for Emery Food Co. Chicago."

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

On June 10, 1935, no answer having been filed by the claimant in the case instituted in the District of Nebraska, judgment of condemnation was entered and the product covered by the said case was ordered destroyed. On July 1, 1935, Libby, McNeill & Libby, claimant for the product seized in the District of Wyoming, 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 in part that the adulterated portion be segregated and destroyed. On July 8, October 26, and November 22, 1935, no claimant appearing in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

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

25012. Adulteration and misbranding of butter. U. S. v. 3 Cases, et al., of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35649, 35653, 35654. Sample nos. 22586-B, 22587-B, 36850-B.)

These cases involved shipments of butter which was adulterated because of the presence of mold and other extraneous matter. One lot was also misbranded because of failure to declare the quantity of the contents.

On May 21, 1935, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 13 cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about May 14 and May 16, 1935, by the Aberdeen Creamery Co., from Aberdeen, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. One lot of the article was labeled: "Daffodil Butter One Pound Net * * * Manufactured by Aberdeen Creamery Co., Aberdeen, Miss. Branch of Kent Dairy Products Corp. Inc." One lot was labeled: "One Lb. net Monogram Country Roll Butter The Cudahy Packing Co. Distributors * * * Chicago." The remaining lot was unlabeled.

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

Misbranding was alleged with respect to a portion of the article for the reason 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 June 29, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

25013. Adulteration of butter. U. S. v. 65 Cases, et al., of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35660, 35705, 35706, 35708, 35732. Sample nos. 16471-B, 16472-B, 22590-B, 22606-B, 22618-B, 38319-B.)

These cases involved shipments of butter, samples of which were found to contain mold and other extraneous matter.

On May 29, June 4, and June 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 95 cases and 55 tubs of butter at New Orleans, La. On June 19, 1935, a libel was filed in the Eastern District of Pennsylvania against 15 tubs of butter at Philadelphia, Pa. The libels charged that the article had been shipped in interstate commerce between the dates of May 7 and June 11, 1935, by the Lexington Ice & Creamery Co., from Lexington, Miss., and that it was adulterated 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 and decomposed animal substance.

On July 8 and September 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

25014. Adulteration and misbranding of macaroni, spaghetti, and egg noodles. U. S. v. 8 Cartons of Elbow Macaroni, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35666, 35680, 35691, 35693, 35694. Sample nos. 36235-B to 36238-B, incl., 36240-B, 36241-B, 36484-B to 36488-B, incl., 36502-B.)

These cases involved various shipments of alimentary paste that contained soybean meal and turmeric, a yellow coloring matter.

On June 21, June 27, and July 1, 1935, the United States attorneys for the Districts of Maine and New Hampshire, acting upon reports by the Secretary of Agriculture, filed in their respective district courts, libels praying seizure and condemnation of 156 cases and 15 cartons of macaroni, 49 cases of egg noodles, and 19 cases of spaghetti, in various lots at Portland, Maine, Lewiston, Maine, Nashua, N. H., and Manchester, N. H., alleging that the articles had been shipped in interstate commerce between the dates of November 13, 1934, and May 9, 1935, by the Prince Macaroni Manufacturing Co., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled, variously: "Ambro Elbow Mac. [or "Macaroni" or "Spaghetti"] Hard Wheat Flour Ambro Food Products, Boston, Mass."; "Gragnano Style Macaroni Made from Hard Wheat Durum Flour Elbow Macaroni"; "Prince Superfine Macaroni Italian Style Semolina No. 1 Products Prince Macaroni Mfg. Co., Boston, Mass. Spaghetti"; "Prince Superfine Pure Egg Noodles Contains Vitamin D"; "Kream Brand Spaghetti [or "Elbow Macaroni" or "Macaroni"] Made from Hard Wheat Durum Flour and Semolina"; "Prince Pure Egg Noodles"; "Italian Style Prince Superfine Bologna and Genova"; "Prince Superfine Egg Noodles"; "Prince Superfine Elbow Macaroni"; "Prince Elbow Macaroni."

The articles were alleged to be adulterated in that substances containing soybean meal and an added color, turmeric, had been substituted for macaroni, spaghetti, or egg noodles, which the articles purported to be. Adulteration was alleged with respect to portions of the articles for the further reason that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing on the labeling of the various products were false and misleading and tended to deceive and mislead the purchaser: "Mac [or "Macaroni" or "Spaghetti"] Hard Wheat Flour"; "Macaroni Made from Hard Wheat Durum Flour"; "Superfine Macaroni Semolina No. 1 Products"; "Spaghetti"; "Superfine Pure Egg Noodles * * * Contains Vitamin D"; "Spaghetti [or "Elbow Macaroni" or "Macaroni"] Made from Hard Wheat Durum Flour and Semolina"; "Superfine Bologna and Genova Made from Durum Wheat Semolina * * * Farfalle"; "Superfine Egg Noodles Made from Selected Amber