

article was labeled in part: (Can) "Rose Bud Brand Shrimp Indian Ridge Canning Co., Inc. Canner-A Houma, Louisiana."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 24, 1933, the two libels having been consolidated, and the Indian Ridge Canning Co., Houma, La., having appeared and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**21009. Adulteration of vinegar. U. S. v. 54 Barrels of Vinegar, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 28953, 29651. Sample nos. 8945-A, 21762-A, 27367-A.)

These actions involved interstate shipments of vinegar found to contain arsenic in an amount which might have rendered it injurious to health.

On September 26 and December 16, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 54 barrels, 42 half-barrels, and 93 partly full half-barrels of vinegar, at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, between July 13, 1932 and September 8, 1932, by H. D. Hollwedel, in part from Middleport, N. Y., and in part from Mayville, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar W. E. Mathes Vinegar Co., Albion, N. Y."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On April 10, 1933, no claim having been entered for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

**21010. Adulteration of apples. U. S. v. 16 Bushels, et al., of Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29728. Sample nos. 28344-A, 28345-A, 28346-A.)

This case involved a quantity of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 10, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 114 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce, on or about November 6, 1932, by the Hammond Fruit Co., from Glenn, Mich., to Hammond, Ind., and charging adulteration in violation of the Food and Drugs Act.

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

On March 6, 1933, no claimant having appeared for the property, and the apples being then in a decaying condition, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

**21011. Adulteration of butter. U. S. v. 7 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. no. 30401. Sample no. 36961-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 6, 1933, 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 7 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about March 29, 1933, by the Sentinel Creamery, from Missoula, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 10, 1933, the Sentinel-Missoula Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$167, conditioned that it be made to comply with the law under the supervision of this Department.

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

**21012. Adulteration and misbranding of flour. U. S. v. 420 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29930. Sample no. 31387-A.)**

This case involved an interstate shipment of flour found to consist of bleached flour containing benzoyl peroxide or its residue, benzoic acid.

On March 13, 1933, 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 420 sacks of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about February 4, 1933, by the Beatrice Mills, Whitewright, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "First Premium Flour Beatrice Mills Whitewright, Texas."

It was alleged in the libel that the article was adulterated in that bleached flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement "Flour", appearing on the label, was false and misleading and deceived and misled the purchaser, when applied to a flour bleached with and containing benzoyl peroxide or its residue, benzoic acid.

On March 20, 1933, the Beatrice Mills, Whitewright, Tex., claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled, "Bleached with Benzoyl Peroxide."

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

**21013. Adulteration of apple butter. U. S. v. 30½ Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29935. Sample nos. 27140-A, 27141-A, 26947-A.)**

This case involved interstate shipments of apple butter which was found to contain insects.

On March 14, 1933, 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 30½ cases of apple butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, in part on or about January 27, 1933, and in part on or about February 20, 1933, by the Goodwin Preserving Co., from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Tip Toe Brand \* \* \* Apple Butter." The remainder was labeled in part: "Dot's Good \* \* \* Pure Apple Butter."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**21014. Misbranding of vermicelli. U. S. v. San Diego Macaroni Manufacturing Co. Plea of nolo contendere. Judgment of guilty. Fine, \$200; suspended for two years. (F. & D. no. 29385. I. S. no. 21403.)**

This action was based on an interstate shipment of vermicelli, in which the packages were found to contain less than 8 ounces, the weight declared on the label. The statement of weight was small and inconspicuous.