21272. Adulteration and misbranding of butter. U. S. v. 15 Cubes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30635 to 30639, incl. Sample nos. 36985–A, 36987–A, 37240–A, 37241–A, 37243–A.)

These cases involved five shipments of butter which contained less than 80 percent by weight of milk fat, the standard for butter established by Congress. One of the lots failed to bear on the package or label a statement of the quantity of the contents.

On May 17, May 18, and May 23, 1933, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 116 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Miles City, Mont., in various shipments on or about May 3, May 6, May 9, and May 12, 1933, and charging that it was adulterated in violation of the Food and Drugs Act, and that a portion was also misbranded in violation of said act as amended. Four of the shipments were made in the name of the Mandan Creamery Co., and one in the name of the Mandan Creamery & Produce Co. Portions of the article were labeled, "From Mandan Creamery Co., Miles City, Montana."

It was alleged in the libels that the article was 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 of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged with respect to the shipment of May 3, 1933, for the 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.

The Mandan Creamery Co., Miles City, Mont., appeared as claimant for 103 cubes of butter involved in four of the shipments and filed stipulations admitting the allegations of the libels and consenting to the entry of decrees. On May 25, 1933, judgments of condemnation and forfeiture were entered in the said cases, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling $3,084, conditioned that it be reworked so that it conform with the Federal Food and Drugs Act.

On June 23, 1933, a default decree of condemnation and forfeiture was entered in the remaining case. On July 13, 1933, the court ordered that the 13 cubes of butter involved in the case be released to the Consolidated Dairy Products Co., Seattle, Wash., under a bond in the sum of $400, conditioned that it be reworked to bring it into compliance with the law.

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

21273. Adulteration of powdered pectin (Nutrl-Jel, Confecto-Jel). U. S. v. 1 Barrel (350 pounds) of Powdered Pectin, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29986, 29987, 29988, 29989, 29991, 29992, 30003, 30022, 30057, 30058, 30367, 30444, 30455, 30456. Sample nos. 4621–A, 5099–A, 5100–A, 27099–A, 31645–A, 32335–A, 32822–A, 35083–A, 36090–A, 36158–A, 36486–A, 38198–A, 40501–A, 40502–A, 40505–A.)

These cases involved various shipments of powdered pectin which contained arsenic or lead, or both arsenic and lead, in amounts which might have rendered it injurious to health.

On March 24, 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 one drum, containing 200 pounds of powdered pectin, at Cincinnati, Ohio. Between March 25 and May 15, 1933, libels were filed in the Northern District of Ohio, Eastern District of Wisconsin, Western District of Pennsylvania, Eastern District of Michigan, Northern District of Illinois, District of Colorado, Southern District of New York, District of New Jersey, and District of Utah, against 44½ barrels or drums, containing approximately 7,000 pounds, of powdered pectin at Cleveland, Ohio; Milwaukee, Wis.; Pittsburgh, Pa.; Detroit, Mich.; Chicago, Ill.; Denver, Colo.; New York, N.Y.; Landersville, N.J.; and Salt Lake City, Utah, which had been shipped in interstate commerce by the Speas Manufacturing Co., Kansas City, Mo. The libels charged that the article had been shipped into the several States from Kansas City, Mo., with the exception of one shipment which had been made from Philadelphia, Pa.; that the said shipments covered the period from January 27 to April 25, 1933; and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled,

"Nutrl-Jel" or "Confecto-Jel." Most of the shipments were also labeled, "From Speas Mfg. Company, Kansas City, Missouri."

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

No claim or answer was filed in any of the cases. Between April 25 and September 12, 1933, judgments of condemnation and forfeiture were entered in the various districts, and the product was ordered destroyed by the United States marshal.

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

21274. Adulteration and misbranding of canned tomatoes. U. S. v. 10 Cases, et al., of Canned Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30613, 30614, 30615, 30617, 30622, 30644, 30645, 30646, 30647. Sample nos. 39854–A, 39855–A.)

These cases involved several lots of canned tomatoes, samples of which were found to contain flies, maggots, and worms. A portion of the product had been made from tomatoes which contained excessive blemishes but was not labeled to indicate that it was substandard.

On June 16 and June 20, 1933, the United States attorney for the Middle District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 cases and 48 cans of tomatoes in various lots at Cordova, Rockingham, and Hamlet, N.C. On June 22, 1933, the United States attorney for the Western District of North Carolina filed a libel against 26 cases of canned tomatoes at Morganton, N.C. It was alleged in the libels that the article had been shipped in interstate commerce on or about November 20 and 21, 1932, by the Southgate Brokerage Co., from Norfolk, Va., and that it was adulterated and a portion was also misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Martin Brand Hand Packed Tomatoes * * * Packed by Churchland Canning Corp., Churchland, Va."

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding of a portion of the article was alleged for the reason that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence of excessive blemishes, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 11 and July 15, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture 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.*

21275. Adulteration of currants. U. S. v. 1,510 Baskets, et al., of Currants. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30834, 30845, 30908, 30931, 30932. Sample nos. 39797–A, 40183–A, 40188–A, 40189–A, 45750–A, 45758–A.)

These cases involved various shipments of red currants which bore lead or arsenic, or both lead and arsenic, in amounts which might have rendered them injurious to health.

On July 11, 1933, 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 1,510 baskets of currants at Boston, Mass. On July 13, 1933, a libel was filed in the Northern District of Illinois against 1,229 baskets of currants at Chicago, Ill., and on July 18 and July 31, 1933, libels were filed in the Western District of Pennsylvania against 4,260 baskets of currants at Pittsburgh, Pa. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of June 30 and July 8, 1933, by the Hudson River Fruit Exchange, Inc., from Marlboro, N.Y., and that it was adulterated in violation of the Food and Drugs Act. Certain lots were labeled in part: "Nicholas Mertes, Marlboro, N.Y.", "Chas. Young, Marlboro, N.Y.", "F. G. Morrow & Son, Marlboro, N.Y.", "Neil Twomey, Marlboro, N.Y.", "Frank Colletto, Marlboro, N.Y.", "Mrs. Noel Armstrong * * * Newburgh, N.Y." "W. R. Fowler & Son, Marlboro, N.Y."