21312. Adulteration of apple pomace. U. S. v. 405 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30603. Sample no. 30481–A.)

This case involved an interstate shipment of apple pomace that contained arsenic and lead in amounts that might have rendered it harmful to health.

On June 14, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 405 bags of apple pomace at Baltimore, Md., alleging that the article had been shipped on or about May 9, 1933, by H. R. Gragg, from Medina, N.Y., 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 and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 19, 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.*

21313. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30836. Sample no. 40675–A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 30, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 21, 1933, by White Lily Creamery, Guttenberg, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

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, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged 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.

On July 1, 1933, 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 and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked upon payment of costs and the execution of a bond in the sum of $500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

21314. Misbranding of cottonseed screenings. U. S. v. Choctaw Cotton Oil Co. Plea of guilty. Fine, $100. (F. & D. no. 29482. I. S. nos. 47478, 47488.)

This case was based on interstate shipments of cottonseed screenings, samples of which were found to contain less than 43 percent of protein, the amount declared on the label.

On March 20, 1933, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Choctaw Cotton Oil Co., trading at Ada, Okla., a corporation in the hands of S. Cullen Boswell, receiver, alleging shipment by said company in violation of the Food and Drugs Act, on or about November 22 and December 12, 1931, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed screenings that were misbranded. A portion of the article was labeled in part: "Red Seal Brand Cotton Seed Cake and Meal * * * Protein not less than 43 percent * * * Manufactured By and For Choctaw Cotton Oil Company, * * * Ada, Oklahoma." The remainder was labeled in part: "Protein not less than 43%, * * * Manufactured for and by Cherokee Cotton Oil Company, Ft. Smith, Arkansas."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis Protein not less than 43%" and "Guaranteed Analysis Protein not less than 43%", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On July 29, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

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

21315. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30726. Sample no. 40638-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 20, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 9, 1933, by Dunlap Creamery Co., from Dunlap, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

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, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged 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.

On June 20, 1933, 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 and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked, upon payment of costs and the execution of a bond in the sum of $500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

21316. Adulteration of butter. U. S. v. Producers Dairy Co. Plea of nolo contendere. Fine, $75. (F. & D. no. 29511. Sample no. 11352-A.)

This case was based on the interstate shipment of quantities of butter which had been guaranteed by the defendant company as complying with the Food and Drugs Act and which did not comply with the law since it contained less than 80 percent by weight of milk fat.

On July 1, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Producers Dairy Co., a corporation, Springfield, Ill. It was alleged in the information that the defendant company had sold and delivered on or about June 6 and June 9, 1932, quantities of butter under a written guarantee that the article complied in all respects with the Food and Drugs Act, that the product, in the identical condition as when received, had been shipped in interstate commerce by the purchaser thereof on or about June 13, 1932, from Chicago, Ill., into the State of New York, and that it was adulterated in violation of the Food and Drugs Act.

The information charged that the article was adulterated in that a product which contained 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 prescribed by the act of March 4, 1923, which the article purported to be.

On July 12, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $75.

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