

tions of the libel, 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 good and sufficient bond, conditioned that it be brought up to the legal standard.

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

**21324. Adulteration of apple butter. U. S. v. 76 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29845. Sample no. 33024-A.)**

This case involved a shipment of apple butter that had been made from apples which were mouse-infested, as evidenced by the presence of mouse hairs and mouse skin with hair attached.

On February 15, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of apple butter at Buffalo, N.Y., which had been consigned by Lutz & Schramm Co., from Pittsburgh, Pa., on or about January 26, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Apple Butter \* \* \* Lusco Brand."

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 July 5, 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.*

**21325. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30706. Sample no. 40630-A.)**

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 16, 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 23 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 7, 1933, by the Cutler Creamery Co., from Cutler, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cutler Creamery Butter."

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 March 4, 1923.

Misbranding was alleged for the reason that the article was labeled, "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On June 28, 1933, C. H. Weaver & 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 \$1,000, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

**21326. Adulteration of celery. U. S. v. Elmer Hartner (Hartner Produce Co.). Plea of guilty. Fine, \$25. (F. & D. no. 30202. Sample no. 18476-A.)**

This case was based on an interstate shipment of celery that was found to bear arsenic and lead in amounts that might have rendered it injurious to health.

On June 5, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elmer Hartner, trading as the Hartner Produce Co., Denver, Colo., alleging shipment by said defendant in violation of the

Food and Drugs Act, on or about July 30, 1932, from the State of Colorado into the State of Texas, of a quantity of celery that was adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On July 7, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**21327. Adulteration and misbranding of butter. U. S. v. 4 Boxes of Butter. Default decree of condemnation. (F. & D. no. 30488. Sample no. 30333-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 act of Congress of March 4, 1923.

On May 2, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of four boxes of butter at Washington, D.C., alleging that the article had been shipped by the Sugar Creek Creamery Co., from Danville, Ill., on or about April 17, 1933, and had been transported from the State of Illinois into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Sugar Creek Butter \* \* \* Sugar Creek Creamery Co. \* \* \* Danville, Ills."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 7, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

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

**21328. Adulteration and misbranding of rice. U. S. v. 350 Bags of Rice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30476. Sample no. 23348-A.)**

This case involved a shipment of rice labeled, "Extra Fancy", which was found to be of a lower grade.

On May 18, 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 350 bags of rice at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 10, 1933, by the Rice Growers Association of California, from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy Japan Rice Daikoku Brand."

It was alleged in the libel that the article was adulterated in that rice below the grade specified had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Extra Fancy", was false and misleading and deceived and misled the purchaser.

On July 7, 1933, the Rice Growers Association of California, 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 \$1,500, conditioned that it be relabeled under the supervision of this Department.

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