

from Glassboro, N.J., 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 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.*

21333. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to a welfare organization. (F. & D. no. 30564. Sample no. 32439-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On May 6, 1933, the United States attorney for the Southern 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 four tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about April 25, 1933, by the Rolfe Creamery Co., from Rolfe, Iowa, 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, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 26, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that as much of the product as was wholesome and fit for human consumption be delivered to a welfare organization.

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

21334. Misbranding of canned grapefruit juice. U. S. v. 91¾ Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F & D. no. 30585. Sample no. 32016-A.)

This case involved a shipment of canned grapefruit juice, sample cans of which were found to contain less than the declared volume.

On June 12, 1933, the United States attorney for the Southern 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 91¾ cases of canned grapefruit juice at New York, N.Y., alleging that the article had been shipped on or about January 17, 1933, by the Scoville Canning Co., Inc., from Tampa, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Double H. H. Brand Sweetened Grapefruit Juice Contents 3 Pints 8 Fl. Ounces * * * Packed by Scoville Canning Company, Inc., * * * Wampa and Avon Park, Fla."

It was alleged in the libel that the article was misbranded in that the statement, "Contents 3 Pints 8 Fl. Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further 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, since the statement made was not correct.

On July 14, 1933, Scoville Canning Co., Inc., 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 said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the original labels be removed from the cans and a label bearing the statement, "Contents 1 qt. 1 pt. 1½ fl. oz.", be affixed thereto.

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

21335. Misbranding of macaroni. U. S. v. 28 Cases of Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30574. Sample no. 41827-A.)

This case involved a shipment of macaroni in packages that were not labeled, as required by law, with a plain and conspicuous statement of the quantity of the contents. The statement of weight appeared in an obscure fashion on a panel of the label that would not be used for display purposes.