

Act as amended. The article was labeled in part: "Britewest Brand Bartlett Pears, * * * Washington Cannery Cooperative, Vancouver, Washington."

It was alleged in the libel that the article was misbranded in that it was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the liquid portion read below 13 degrees Brix; because of excessive trimming and because of nonuniformity of size; and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it was substandard.

On September 15, 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.*

21384. Adulteration of butter. U. S. v. 35 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30960. Sample no. 40281-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 July 29, 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 35 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by the Oxford Cooperative Creamery Co., from Oxford, Wis., 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 August 7, 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 upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reworked under the supervision of this Department.

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

21385. Adulteration and misbranding of peaches. U. S. v. 700 Half-Bushel Baskets of Peaches. Default decree of condemnation and forfeiture, with provision for delivery of portions fit for food to veterans' hospital. (F. & D. no. 30657. Sample no. 8700-A.)

This case involved a shipment of peaches which were below the grade indicated on the labels, since they consisted in part of undersized stock.

On June 21, 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 700 half-bushel baskets of peaches at Buffalo, N.Y., consigned by Hoyle & Helms, Thomaston, Ga., alleging that the article had been shipped in interstate commerce, June 14, 1933, from Thomaston, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brooks Mountain Brand Fancy Georgia Peaches, grown, packed and shipped by Hoyle and Helms, Thomaston, * * * Georgia." The product was in half-bushel baskets most of which were further labeled "1 U. S. Standard Bushel", all baskets, however, bore basket markers' stamp "510 U. S. 1/2 Bu." On the lids of the baskets appeared the statement, "Early Rose, 1 7/8 Minimum U. S. No. 1 [or "Early Rose Minimum 2, U. S. No. 1" or "Red Bird U. S. 2 1/4"]."

It was alleged in the libel that the article was adulterated in that peaches below the grade indicated on the labels had been substituted for the article.

Misbranding was alleged for the reason that the statements on the labels, "1 7/8 Minimum", "Minimum 2", and "2 1/4", "Fancy Georgia Peaches", and the statements on certain of the baskets, "1 U. S. Standard Bushel", were 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.