

21403. Adulteration of butter. U. S. v. 101 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30997. Sample no. 43274-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 August 14, 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 101 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 3, 1933, by the Linn County Farmers Mutual Creamery Association, for the Farmers Mutual Creamery Co., Central City, 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 August 23, 1933, the Farmers Mutual Cooperative Creamery, Central City, Iowa, 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 \$1,800, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

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

21404. Misbranding and alleged adulteration of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31204. Sample no. 44615-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight, samples also were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 9, 1933, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of butter at Honolulu, Hawaii, consigned by Armour & Co., alleging that the article had been shipped in interstate commerce, on August 1, 1933, from San Francisco, Calif., to Hawaii, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "One Pound Net Weight Armour's Clover Bloom Full Cream Butter Distributed by Armour Creameries * * * Chicago."

It was alleged in the libel that the article was adulterated and misbranded as follows: It contained less than 80 percent by weight of milk fat; a substance had been mixed and packed with it so as to reduce and lower its quality and strength; it was labeled, "Full Cream Pasteurized Butter One Pound Net Weight", which was false and misleading and deceived and misled the purchaser; and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On August 9, 1933, Armour & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The claimant having paid costs of the proceedings and filed a certified check in the amount of \$140, conditioned that the product should not be disposed of in violation of the law, an order was entered by the court providing that the butter be released to the claimant to be reshipped to San Francisco, Calif., to be repacked.

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

21405. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30966. Sample no. 46951-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 9, 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 five crates of blueberries at Boston, Mass., consigned August 9, 1933, alleging that the article had

been shipped in interstate commerce by F. L. Whitney, from Surry, Maine, 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 consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 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.*

21406. Adulteration of blueberries. U. S. v. 40 Crates, et al., of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31105, 31106, 31107, 31119, 31120, 31121, 31138, 31141, 31172. Sample nos. 42515-A, 42518-A, 43277-A, 43278-A, 43281-A, 43656-A, 43657-A, 43658-A, 45972-A.)

These cases involved interstate shipments of blueberries which were found to be infested with maggots.

On September 1 and September 5, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 289 crates of blueberries at New York, N.Y. On September 1 and September 2, 1933, libels were filed in the Northern District of Ohio against 15 crates of blueberries at Cleveland, Ohio, and on September 8, 1933, a libel was filed in the Northern District of Illinois against 19 cases of blueberries at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce by W. C. Robinson, from Harrington, Maine, between the dates of August 29 and August 31, 1933, and that it was adulterated in violation of the Food and Drugs Act.

The libels filed in the Southern District of New York and the Northern District of Ohio charged that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged in the libel filed in the Northern District of Illinois for the reason that the article consisted in whole or in part of a filthy animal substance.

On September 15, September 28, October 9, and October 13, 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.*

21407. Adulteration of canned salmon. U. S. v. 1,321 Cases, et al., of Canned Salmon. Decrees of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. nos. 29050, 29098, 29310. Sample nos. 13317-A, 13325-A, 16151-A, 16160-A.)

These cases involved several shipments of canned salmon identified by various code marks. Samples taken from certain codes in each shipment were found to be in part decomposed.

On October 17 and October 21, 1932, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,815 cases of canned salmon at Houston, Tex. On November 19, 1933, the United States attorney for the District of Kansas, filed a libel against 797 cases of canned salmon at Wichita, Kans. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments on or about August 24, September 2, and September 6, 1932, by Libby, McNeill & Libby, from Seattle, Wash., into the States of Texas and Kansas and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Happy Vale Brand Pink Salmon."

The libels charged that the article was adulterated in that it consisted in part of a decomposed animal substance.

On September 19 and September 26, 1933, the Copper River Packing Co. having appeared as claimant for the property and having admitted the material allegations of the libels, judgments of condemnation and forfeiture were entered. The court having found that portions of the product were not adulterated, the decrees provided that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$6,500, conditioned that the cans containing decomposed salmon be segregated and destroyed.

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