Candy Syrup", "Pure Raspberry [or 'Cherry', 'Strawberry', 'Loganberry', or 'Grape' Syrup made from the Juice of Fresh Raspberries or 'Cherries', 'Strawberries', 'Loganberries', or 'Grapes'] and rock candy syrup", were false and misleading. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles, and for the further reason that they were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not expressed in terms of liquid measure.

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

21463. Adulteration of canned tomatoes. U. S. v. 990 Cases, et al., of Canned Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30748, 30750. Sample nos. 39744–A, 39745–A, 43304–A.)

These cases involved shipments of canned tomatoes which were found to contain insect larvae.

On July 19, 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 990 cases of canned tomatoes at Yonkers, N.Y. On July 20, 1933, the United States attorney for the District of Massachusetts filed a libel against 431 cases of canned tomatoes at Salem, Mass. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about March 13, 1933, and in part on or about March 22, 1933, by the Seaside Canning Co., from Salisbury, Md., into the States of New York and Massachusetts, respectively, and that it was adulterated in violation of the Food and Drugs Act. The greater portion of the article was labeled in part: (Can) "Turkey Red Brand Tomatoes * * * Packed by Seaside Canning Co., Ocean City, Md." Seventy-two cases were labeled in part: (Can) "Tryem Brand Tomatoes * * * Packed for Cressey Dockham Co., Inc., Salem, Mass."

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance, or of a filthy, decomposed, or putrid vegetable substance.

On September 21 and September 27, 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.*

21464. Adulteration of butter. U. S. v. 314 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31070. Sample no. 40312–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 or about August 17, 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 314 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1933, by Eureka Creamery Co., from Eureka, S. Dak., 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 September 19, 1933, Gallagher Bros., 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 bond in the sum of $1,000, conditioned in part that it be reworked under the supervision of this Department.

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