

Crawford, Nebr.; Karl Crammer, Kanorado, Kans.; J. J. Blazek, Cuba, Kans.; Jacob D. Cotten, Wallace, Nebr.; C. T. Dunning, Broken Bow, Nebr.; W. A. Medbery, Upton, Wyo.; Lan Waldman, Trinnell, Kans.; M. I. Patterson, Victoria, Kans.; G. L. Martin, Weskan, Kans.; Frank Gue Cream Co., Crawford, Nebr.; R. H. Basham, Coolidge, Kans.; Gusner Independent Cream Station, Chadron, Nebr.; Lloyd C. McBride, Arapahoe, Nebr.; Jake Jansonius, Prairie View, Kans.; Bessie Knight, Benkelman, Nebr.; C. J. Philbrick, Bird City, Kans., and Frank Kokes, Sidney, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

The consignees having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed on the same date as that on which it was libeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29361. Misbranding of peaches. U. S. v. 125 Baskets of Peaches. Default decree of destruction. (F. & D. No. 43029. Sample No. 16817-D.)**

An excessive proportion of these peaches was below the size declared on the label.

On July 7, 1938, 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 125 baskets of peaches at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 2, 1938, by W. J. Brazey from Monticello, Ga.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Bee Brand 2 Inch Minimum."

It was alleged to be misbranded in that the statement "2 Inch Minimum" was false and misleading and tended to deceive and mislead the purchaser when applied to peaches that were undersized.

On July 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29362. Adulteration of dried apricots. U. S. v. 582 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. & D. No. 42904. Sample No. 17955-D.)**

This product was dirty, insect-infested, and moldy, and contained rodent excreta.

On June 16, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 582 cases of dried apricots at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about May 23, 1938, by Consolidated Packing Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Apricots For Manufacturing Purposes."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29363. Misbranding of apples. U. S. v. 100 Bushels and 50 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 42325. Sample No. 16813-D.)**

This product, because of excessive grade defects, was below the grade declared on the label.

On May 6, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Indianapolis, Ind.; alleging that the article had been shipped in interstate commerce on or about April 28, 1938, by York State Fruit Distributors, Inc., of Rochester, N. Y. (from Youngstown, N. Y.); and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article below U. S. grade No. 1.

On July 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29364. Adulteration and misbranding of butter. U. S. v. 80 Boxes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43510. Sample No. 30090-D.)**

This product contained less than 80 percent of milk fat.

On August 22, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by Petersburg Cooperative Creamery from Petersburg, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Crystal Farm Brand Butter \* \* \* Packed Exclusively for Penn Mutual Co-Operative Grocers Corporation, Philadelphia."

The article was alleged to be 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.

It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On August 24, 1938, C. J. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29365. Adulteration of cherries. U. S. v. 45 Baskets of Cherries. Default decree of destruction. (F. & D. No. 43068. Sample No. 29851-D.)**

This product was contaminated with lead.

On July 9, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 baskets of cherries at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about July 8, 1938, by J. Edward McGowan from Marlborough, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Peter Clenets Red Hook, N. Y."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29366. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of destruction. (F. & D. No. 43140. Sample No. 12961-D.)**

This product was infested with maggots.

On July 23, 1938, 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 three crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 16, 1938, by J. A. Murphy from Atkinson, N. C.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*