

Made from 75% Cane Sugar Syrup and 25% Maple Syrup Giroux Company, Inc. \* \* \* New York Contents One Gallon."

The article was alleged to be misbranded in that the statement on the label, "Made from 75% Cane Sugar Syrup and 25% Maple Syrup", was false and misleading and tended to deceive and mislead the purchaser, since it contained appreciably less than 25 percent of maple sirup. Misbranding was alleged with respect to the product seized at San Francisco for the further reason that the statement "Contents One Gallon" was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it 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 incorrect.

On August 27, 1934, and January 8, 1935, Austin Nichols & Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

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

**23921. Adulteration of blueberries. U. S. v. 11 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33181. Sample no. 6881-B.)**

This case involved a shipment of blueberries that were infested with maggots. On July 27, 1934, 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 11 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 26, 1934, by John P. Scoteck from McAadoo, Pa., 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 16, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

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

**23922. Adulteration and misbranding of butter. U. S. v. 25 Boxes of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 33187. Sample no. 5217-B.)**

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

On July 19, 1934, 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 25 boxes of butter at Cambridge, Mass., consigned about July 11, 1934, alleging that the article had been shipped in interstate commerce, by the Carthage Creamery Co., from Carthage, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Butter."

The libel alleged that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, butter.

On August 17, 1934, the Carthage Creamery Co., Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

**23923. Adulteration of shell eggs. U. S. v. 17 Cases of Shell Eggs. Default decree of destruction. (F. & D. no. 33189. Sample no. 3386-B.)**

This case involved a shipment of eggs that were decomposed.

On July 25, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cases of shell eggs at Kansas City, Mo., alleging that the article had been shipped in inter-

state commerce, on or about July 23, 1934, by the Salina Poultry Co., from Salina, Kans., 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, and putrid animal substance.

On September 24, 1934, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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

**23924. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation and destruction. (F. & D. no. 33190. Sample no. 4701-B.)**

Samples of butter taken from the shipment involved in this case were found to contain maggots, insects, animal hair, mold, and other filth.

On July 9, 1934, 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 1 tub of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about July 6, 1934, by Newberry Bros., of Bland, Va., from Bluefield, W. Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Newberry Bros. Bland, Va."

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

On August 17, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

**23925. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 33191. Sample no. 4702-B.)**

Samples of butter taken from the shipment involved in this case were found to contain maggots, insects, animal hair, mold, and other filth.

On July 9, 1934, 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 one can of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about July 6, 1934, by R. C. Shumaker, from Wilson, W. Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "R. C. Shumaker, Wilson, W. Va."

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

On August 17, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

**23926. Adulteration of apples. U. S. v. 24 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 33219. Sample no. 5807-B.)**

This case involved a shipment of apples that bore arsenic in an amount that might have rendered them injurious to health.

On July 18, 1934, 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 24 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about July 17, 1934, by A. Haines & Son, from Masonville, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Larchmont Farms Albert Haines & Son, Masonville, N. J."

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

On August 6, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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