

The article was alleged to be adulterated in that pomace brandy had been substituted in whole or in part for brandy, which the article purported to be.

Misbranding was alleged for the reason that the following statements were false and misleading and tended to deceive and mislead the purchaser, "Michel et Cie", which was not the true name of the manufacturer and which, together with the general appearance of the label, conveyed the impression that the article was of foreign origin, whereas it was of domestic origin; "Brandy", since the article was not brandy but was pomace brandy; and "90 Proof", since the article was less than 90 proof. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, brandy.

On December 17, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

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

**23933. Adulteration of frozen strawberries. U. S. v. 10 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. no. 33311. Sample no. 7115-B.)**

This case involved a shipment of frozen strawberries that were found to be in part moldy.

On August 29, 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 10 barrels of frozen strawberries at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 17, 1934, by John H. Dulaney & Son, from Fruitland, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 19, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

**23934. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33323. Sample no. 6933-B.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On July 31, 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 13 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, by the Farmers Mutual Coöperative Creamery, July 19, 1934, from Sioux Center, Iowa, in a pool car shipment consigned to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

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 as provided by the act of Congress of March 4, 1923.

On August 9, 1934, the Farmers Mutual Coöperative Creamery, 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 \$300, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

**23935. Adulteration of butter. U. S. v. 2 Cans of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33324. Sample no. 6542-B.)**

This case involved a shipment of butter, samples of which were found to contain mold, rodent hair, and other extraneous matter.

On August 2, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the