

at Baltimore, Md., alleging that the article had been shipped by the E. W. Mills Co., from Philadelphia, Pa., in part on or about February 24, 1931, and in part on or about March 9, 1931, and had been transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tally-Ho Domestic Lima Beans."

It was alleged in the libel that the article was adulterated in that beans other than lima beans had been substituted wholly for lima beans, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Domestic Lima Beans," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 5, 1931, Max Lazarus & Sons (Inc.), Baltimore, Md., having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be relabeled "Butternut Beans."

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18612. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 26746. I. S. No. 4640. S. No. 4755.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Eggers Creamery, Plain View, Minn., on or about May 19, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Thomas G. Corcoran, agent for Hunter, Walton & Co., New York, N. Y., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On May 29, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18613. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 26747. I. S. No. 4639. S. No. 4756.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the H. C. Christians Co., Chicago, Ill., on or about May 18, 1931, and had been transported from the State of Illinois into the State of New York, 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 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

On May 27, 1931, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18614. Adulteration of frozen whole eggs. U. S. v. 1,200 Cans, et al., of Frozen Whole Eggs. Product ordered released under bond to be salvaged and relabeled.** (F. & D. Nos. 26002, 26027. I. S. Nos. 20420, 20421, 20422, 20423, 20424. S. Nos. 4261, 4286, 4287, 4303, 4333.)

Samples of canned frozen eggs from the shipments herein described having been found to be decomposed and to contain added whites, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On March 9 and March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6,400 cans of frozen whole eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Kraft-Phenix Cheese Corporation, from Dallas, Tex., in various consignments, on or about February 4, February 5, and February 6, 1931, and had been transported from the State of Texas into the State of New Jersey and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "Kraft-Phenix Cheese Corporation \* \* \* Dallas, Texas. Whole Eggs."

Adulteration was alleged in the libel filed with respect to a portion of the article for the reason that it consisted in part of a decomposed animal substance, and with respect to the remainder for the reason that it consisted in part of a decomposed and putrid animal substance.

On June 8, 1931, William W. Johnstone, claimant, having admitted the allegations of the libel and having consented to the entry of decrees condemning and forfeiting the product, judgments were entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of bonds totaling \$25,000, conditioned in part that it be sorted, the unfit portion destroyed or denatured, and that the good portion, after inspection and approval by this department, be relabeled "Whole Eggs with Added Whites," and released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18615. Misbranding of canned grapefruit juice. U. S. v. 54½ Cases of Canned Grapefruit Juice. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 26351. I. S. No. 29908. S. No. 4682.)

A sample of canned grapefruit juice from the shipment herein described having been found short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54½ cases, each containing 2 dozen cans of grapefruit juice, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Florida Fruit Packing Corporation, Jacksonville, Fla., alleging that the article had been shipped from Jacksonville, Fla., on or about April 13, 1931, and had been transported from the State of Florida into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Royal Poinciana Brand Florida Grapefruit Juice Contents 1 Pt. 4 Fl. Oz. Florida Fruit Packing Corporation."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Pt. 4 Fl. Oz.," was false and misleading; and for the further reason that the article 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 not correct.

On June 2, 1931, the Florida Fruit Packing Corporation, Jacksonville, Fla., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be