

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18714. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 249 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26415. I. S. No. 22261. S. No. 4731.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

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 249 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Gold Citrus Corporation, from Winter Haven, Fla., on or about April 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Happy Home Brand Grapefruit Juice Highest Quality Schwabacher Brothers & Co., Inc., Seattle, Wash., Distributors."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Grapefruit Juice," appearing on the label, was false and misleading and deceived and misled the purchaser when applied to grapefruit juice containing added sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 20, 1931, Schwabacher Bros. & Co. (Inc.), Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further 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 \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18715. Adulteration of herring. U. S. v. 200 Pounds of Herring. Default decree of destruction. (F. & D. No. 26800. I. S. No. 25774. S. No. 4958.)

Samples of herring from the shipment herein described having been found to be filthy and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 22, 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 200 pounds of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Booth Fisheries Co., Duluth, Minn., on or about July 16, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained triaenophori, and consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of a portion of an animal unfit for food.

On August 4, 1931, no claimant having appeared for the property, judgment was entered nunc pro tunc as of July 22, 1931, ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18716. Adulteration and misbranding of butter. U. S. v. 37 Tubbs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26437. I. S. No. 29347. S. No. 4639.)

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 April 1, 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 37 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Swift & Co., Kansas City, Mo., on or about May 20, 1929, to Buffalo, N. Y., and had been transported thereafter from Buffalo, N. Y., to New York, N. Y., on March 24, 1931, and charging adulteration and misbranding 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 the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was labeled butter, which was false and misleading and deceived and misled the purchaser.

On June 18, 1931, Collyer & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel, 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 butterfat, 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 \$1,000, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18717. Misbranding of citrus fruit juices. U. S. v. 100 Cases of Citrus Fruit Juices. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26484. I. S. No. 22274. S. No. 4782.)

Examination of samples of canned citrus fruit juices from the shipment herein described having shown that the cans contained less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On June 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 100 cases, each containing 48 cans of citrus fruit juices, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Fruit Canners (Inc.), from Tampa, Fla., on or about April 17, 1931, and had been transported from the State of Florida into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pomorang Brand * * * Blended Citrus Fruit Juices Contents 8 Fluid Oz. Florida Fruit Canners Inc. Division of L. Maxcy Inc. Frostproof, Florida."

It was alleged in the libel that the article was misbranded in that the statement "Contents 8 Fluid Oz.," appearing on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged 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 packages, since the statement represented that the volume of the article was more than in fact was contained in the said cans.

On June 27, 1931, the Florida Fruit Canners (Inc.), Division of L. Maxcy (Inc.), Frostproof, Fla., 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 said claimant upon payment of costs and the execution of a bond in the sum of \$100, or the deposit of cash in like amount, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18718. Adulteration and misbranding of canned grapefruit juice. U. S. v. 50 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26468. I. S. No. 22810. S. No. 4758.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained undeclared added sugar and