

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead arsenate, which might have rendered it injurious to health.

On November 10, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal or delivered to a private benevolent organization of Pittsburgh. Objection having been made by a representative of this department to the release of the apples without provision being first made to insure the removal of the lead arsenate before their use, the marshal destroyed the product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19022. Adulteration and misbranding of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27826. I. S. No. 45210. S. No. 5534.)**

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 Northern District of Illinois.

On December 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 30 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Whitehall Creamery Association, from Whitehall, Wis., on or about November 11, 1931, and had been transported from the State of Wisconsin into the State of Illinois, 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 substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold and shipped as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On December 3, 1931, Goldenberg Bros. & Co., Chicago, Ill., 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 to be reworked under the supervision of this department upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19023. Adulteration of canned tuna. U. S. v. 620 Cases of Canned Tuna. Tried to the court. Judgment for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 26364. I. S. No. 12424. S. No. 4700.)**

Samples of canned tuna from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 14, 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 620 cases of canned tuna, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the California Sea Food Co., Los Angeles, Calif., on or about April 17, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Tuna for Pets Not Intended for Human Consumption \* \* \* California Packing Corporation \* \* \* San Francisco, Calif."

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

On June 9, 1931, Morris Muskatel, Seattle, Wash., entered an appearance in the case and filed a claim and answer to the libel. On July 29, 1931, the case having come on for trial before the court, evidence was introduced on behalf