

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Margaret Jamison and Martha A. Jamison, copartners, trading as Arbuckle Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the food and drugs act, on or about March 26, 1931, from the State of Illinois into the State of Indiana, of a quantity of ground thyme that was adulterated. The article was labeled in part: "Grd. Thyme \* \* \* From Arbuckle Brothers Chicago, Ill."

It was alleged in the information that the article was adulterated in that substances, to wit, sand and other excessive mineral matter, 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 ground thyme, which the said article purported to be.

On February 23, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19326. Misbranding of canned orange juice and canned grapefruit juice. U. S. v. 132 Cartons of Canned Orange Juice, et al. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 26990. I. S. Nos. 34140, 34141. S. No. 5195.)**

Sample cans of orange juice and grapefruit juice from the shipments involved in this action having been found to contain less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On September 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 132 cartons of canned orange juice and 101 cartons and 10 wooden cases of canned grapefruit juice, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped in part on or about June 8, 1931, and in part on or about June 13, 1931, by the Florida Citrus Products Corporation, from Tampa, Fla., and had been transported in interstate commerce from the State of Florida into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The orange juice was labeled in part: (Cans) "Honey Moon Brand 100% Pure Orange Juice Contents Not Less Than 56 Fl. Oz. \* \* \* Florida Citrus Products Corporation Lakeland Fla." The grapefruit juice was labeled in part: (Cans) "Honey Moon Brand Grapefruit Juice Unsweetened \* \* \* Contents 56 Fluid Ozs." The label of the grapefruit juice bore the statements partly obliterated: "Recommended in place of fresh juice for Diabetes, Acidity, Influenza, Obesity, etc. Contains vitamins A, B, and C. Natural Strength."

It was alleged in the libel that the articles were misbranded in that the statements on the can labels, "Contents Not Less Than 56 Fl. Oz." and "Contents 56 Fluid Ozs.," were false and misleading and deceived and misled the purchaser, since the cans contained less than so represented. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the cans contained less than represented.

On February 16, 1932, the Florida Citrus Products Corporation, Lakeland, 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 products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000. The bond was conditioned that the products be relabeled by obliterating from the respective labels the statements, "56 Fl. Oz." and "56 Fluid Ozs.," and substituting therefor the statement "1½ Quarts," and by obliterating from the label of the grapefruit juice all reference to the names of diseases and vitamins.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19327. Adulteration of canned blackberries. U. S. v. 1,250 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27193. I. S. No. 12783. S. No. 5371.)**

Samples of canned blackberries from the shipment herein described having been found to be moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On October 30, 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 1,250 cases of canned blackberries at Chicago, Ill., alleging that the article had been shipped on or about October 16, 1931, by Puyallup & Sumner Fruit Growers Association from Tacoma, Wash., and had been transported in interstate commerce from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Charmed Land Brand Cultivated Evergreen Blackberries Packed by Puyallup and Sumner Fruit Growers Association, Puyallup Wash."

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

On April 22, 1932, the default of all parties having been noted, 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.*

**19328. Adulteration and misbranding of butter. U. S. v. 6 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27839. I. S. Nos. 52007, 52009. S. No. 5805.)**

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 January 28, 1932, 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 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on January 15, 1932, by the Western Creamery Co., from Wichita, Kans., and had been transported from the State of Kansas into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Clear Brook Creamery Butter."

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, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On February 1, 1932, Wilson & Co. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and 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 said claimant for reworking, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19329. Adulteration of canned stringless beans. U. S. v. 118 Cases of Canned Stringless Beans. Default decree of condemnation and destruction. (F. & D. No. 24733. I. S. Nos. 017169, 03104. S. No. 3087.)**

Samples of stringless beans 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 District of Columbia.

On April 25, 1930, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 118 cases of canned stringless beans, remaining in the original and unbroken packages at Washington, D. C., alleging that the article had been shipped by Frey & Son (Inc.), from Baltimore, Md., on or about March 21, 1930, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Valliant's Delight Brand Cut Stringless Beans. \* \* \* Packed by Wm. Valliant & Bro., Bellevue, Md."