

19404. Adulteration and misbranding of butter. U. S. v. 14 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26488, 26499, 26718. I. S. Nos. 31013, 31014, 16531. S. Nos. 4804, 4817, 4863.)

Samples of butter from the shipments herein described were found to be short of the declared weight. Portions of the article were also found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On June 10, June 13, and June 27, 1931, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, libels praying seizure and condemnation of 34 cases and 20 cartons of butter at Washington, D. C., alleging that the article had been shipped by the Paul A. Schulze Co., from St. Louis, Mo., in various consignments, on or about June 1, June 3, and June 11, 1931, and had been transported from the State of Missouri into the District of Columbia, and charging that a portion of the article was misbranded, and that the remainder thereof was adulterated and misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Sunshine Valley Butter * * * Contents One Pound Packed Exclusively For Sunshine Valley Product Co., St. Louis, Mo."

Adulteration was alleged in the libel with respect to the 20 cases of the product shipped June 3, 1931, for the reason that a substance deficient in butterfat had been substituted wholly or in part for the article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged with respect to the 20 cartons of the product shipped June 11, 1931, for the reason that a substance containing less than 80 per cent of milk fat had been substituted in whole or in part for butter, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," with respect to portions, and the statement "Contents One Pound," with respect to all lots of the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all lots of the article for the further reason that the article was 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. Misbranding was alleged with respect to a portion of the article for the further reason that it was offered for sale under the distinctive name of another article.

On July 20, 1931, the Paul A. Schulze Co., St. Louis, Mo., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 good and sufficient bonds, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19405. Misbranding and alleged adulteration of malt sprouts. U. S. v. 847 Sacks of Feeding Stuff, Malt Sprouts No. 2. Product adjudged misbranded. Released under bond to be relabeled. (F. & D. No. 27367. I. S. No. 19602. S. No. 5543.)

Samples of a product, invoiced as "Malt Sprouts No. 2," from the shipment herein described were found to contain barley hulls and other foreign material. The sacks containing the article failed to bear a statement of the quantity of the contents.

On December 14, 1931, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 847 sacks of a feeding stuff, invoiced "Malt Sprouts No. 2," remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped on or about September 5, 1931, by Anheuser-Busch (Inc.), from St. Louis, Mo., and had been transported in interstate commerce from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that barley hulls and other foreign materials had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the product was sold under the distinctive name of another article, and for the further reason that it was food in package form and did not bear a plain and conspicuous statement of the quantity of contents.

On January 14, 1932, R. L. Wiles & Co., Nashville, Tenn., having appeared as claimant for the property, a decree was entered finding the product misbranded, and ordering that it be released to the said claimant upon the execution of a bond in the sum of \$600, conditioned that claimant pay costs, that the product be labeled "Barley Hulls, malt sprouts and screenings," and with a plain and conspicuous statement of the quantity of the contents, and that it should not be sold or otherwise disposed of contrary to the laws of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19406. Adulteration of dried cling peaches. U. S. v. 163 Boxes of Dried Cling Peaches. Product released under bond to be salvaged. Unfit portion destroyed. (F. & D. No. 27387. I. S. No. 41081. S. No. 5580.)

Samples of dried cling peaches from the shipment herein described having been found to be decayed, dirty, and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 16, 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 163 boxes of dried cling peaches, remaining in the original and unbroken boxes at St. Louis, Mo., alleging that the article had been shipped on or about November 2, 1931, by Bonner Packing Co., from Fresno, Calif., and had been transported in interstate commerce from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Orchard Run Cling Peaches."

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

On January 12, 1932, J. W. Teasdale & Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, and the court having found that a portion of the product was fit for human consumption and could be separated from the unfit portion, a decree was entered ordering that the said product be released to the claimant, upon 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 Federal food and drugs act, or all other laws, and that the unfit portion be destroyed. It was further ordered that claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19407. Adulteration of celery. U. S. v. 20 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26707. I. S. No. 30739. S. No. 4852.)

Arsenic having been found on samples of celery taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 24, 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 20 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about June 5, 1931, by the Sanford-Oviedo Truck Growers Association (Sanford-Oviedo Truck Growers (Inc.)) from Avon Park, Fla., and had been transported from the State of Florida into the State of Pennsylvania, 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 an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On July 14, 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.*