

1931, from Valley City, Ill., and in part on or about November (September) 13, 1931, from Griggsville, Ill., and had been transported in interstate commerce from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Golden Delicious Biddle * * * Cleansed Apples." The remainder of the article was labeled in part: "Marsh Senator * * * Cleansed Apples."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, namely, lead and arsenic with respect to a portion, and lead arsenate with respect to the remainder, which might have rendered the article injurious to health.

On March 4, 1932, G. F. Cadwell & Son, Griggsville, Ill., claimant, having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$1,000, conditioned in part that the goods should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, or insular possession. It was further ordered that claimant pay all costs, including the expenses of an agent of this department to inspect and supervise the reconditioning of the product by cleansing and washing so as to remove the poisonous residue.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19435. Misbranding of wheat bran. U. S. v. 115 Sacks of Wheat Bran. Product released under bond to be properly marked. (F. & D. No. 27105. I. S. No. 41876. S. No. 5343.)

Examination of samples of wheat bran from the shipment herein described having shown that the product bore no statement of the quantity of contents, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On October 23, 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 115 sacks of wheat bran, remaining in the original unbroken sacks at Barnhart, Mo., alleging that the article had been shipped on or about August 20, 1931, by the Aviston Milling Co., from East St. Louis, Ill., and had been transported in interstate commerce from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled: "Aviston Results guaranteed Pure Bran Analysis * * * Aviston Milling Company East St. Louis, Illinois."

It was alleged in the libel that the article was misbranded in that it was in package form and the quantity of the contents was not plainly marked on the outside of the package.

On January 16, 1932, the Aviston Milling Co., East St. Louis, Ill., having appeared as claimant and having admitted the allegations of the libel, it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the said product be properly marked, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act or the law of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19436. Adulteration of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. No. 27135. I. S. No. 38845. S. No. 5297.)

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

On October 2, 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 six tubs of butter, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped by the Berlin Cooperative Creamery Association, of New Richland, Minn., having been transported in interstate commerce from the State of Minnesota into the State of Massachusetts on or about September 24, 1931, and charging adulteration in violation of the food and drugs act as amended.

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 act of March 4, 1923.

On October 9, 1931, the Berlin Cooperative Creamery Association, New Richland, Minn., claimant, having admitted the allegations of the libel, 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 \$150, 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. It was further ordered by the court that the product be reworked so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19437. Misbranding of evaporated apples. U. S. v. 14 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27345. I. S. No. 40519. S. No. 5524.)

Samples packages of evaporated apples from the shipment herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On December 5, 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 14 cases of evaporated apples, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by J. W. Blocher, from Bentonville, Ark., on or about September 22, 1931, and had been transported in interstate commerce from the State of Arkansas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping package) "50 Packages 7 ounce cartons Sulphur Bleached Evaporated Apples, Packed by J. W. Blocher;" (carton) "7 Ounce."

It was alleged in the libel that the article was misbranded in that the statement "7 Ounce" 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, since the statement made was not correct.

On January 12, 1932, 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.*

19438. Misbranding of canned tomatoes. U. S. v. 189 Cases of Canned Tomatoes. Decree of condemnation entered. Product released under bond. (F. & D. No. 27351. I. S. No. 17821. S. No. 5549.)

Examination of samples of canned tomatoes from the shipment herein described showed that the article was below the standard promulgated by the Secretary of Agriculture for canned tomatoes, in that it was of poor color and failed to bear a label indicating that it was substandard.

On December 8, 1931, the United States attorney for the Northern District of Alabama, 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 189 cases of canned tomatoes at Birmingham, Ala., alleging that the article had been shipped by Dunlap Products Co. (Inc.), from Dunlap, Tenn., on or about September 14, 1931, and had been transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Better Brand Hand Packed Tomatoes * * * Packed by Dunlap Products Co., Inc., Dunlap, Tenn."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, in that it was not normally colored and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary, indicating that it fell below such standard.

On January 12, 1932, the Dunlap Products Co. (Inc.), Dunlap, Tenn., claimant, having filed an answer admitting the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of