

19678. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable associations. (F. & D. No. 27890. I. S. No. 5384. S. No. 5874.)

Samples of butter taken from the shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 19, 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 eight tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 1, 1932, by Lee Gangeness Creamery Co., from Hettinger, N. Dak., and charging adulteration 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 March 4, 1923.

On March 14, 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 delivered to charitable institutions.

HENRY A. WALLACE, *Secretary of Agriculture.*

19679. Adulteration of canned prunes. U. S. v. 200 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25931. I. S. No. 14774. S. No. 4159.)

Samples of canned prunes from the shipment involved in this action having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about February 20, 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 cases of canned prunes, remaining in the original unbroken packages at Arkansas City, Kans., alleging that the article had been shipped in interstate commerce, on or about November 15, 1930, by the Ray-Maling Co., from Hillsboro, Oreg., to Arkansas City, Kans., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Santa Fe Brand Italian Prunes * * * Packed for the Ranney-Davis Mercantile Co., Arkansas City."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On March 21, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19680. Adulteration and misbranding of canned corn. U. S. v. 1,663 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27787. I. S. No. 39508. S. No. 5883.)

This action involved a quantity of canned corn which was represented to be Fancy grade, and which upon examination was found to be below the declared grade.

On February 26, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 1,663 cases, each containing 24 cans of corn, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Princeville Canning Co., Princeville, Ill., in various consignments, on or about January 10, April 9, April 23, and April 24, 1931, and had been transported from the State of Illinois into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Royal Prince Fancy Country Gentleman Sugar Corn * * * Packed by Princeville Canning Co. Princeville, Ill."

It was alleged in the libel that the article was adulterated in that corn of a different and lower grade had been substituted for canned corn of Fancy grade, which the said article purported to be.

Misbranding was alleged for the reason that the designation "Fancy," borne on the label, was false and misleading and deceived and misled the purchaser,