

19683. Adulteration of herring. U. S. v. 6 Boxes of Herring. Decree of condemnation and destruction entered. (F. & D. No. 27804. I. S. No. 43307. S. No. 5909.)

Herring taken from the interstate shipment involved in this action having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 3, 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 six boxes of the said herring, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 25, 1932, by Sam Johnson & Son's Fisheries, from Duluth, Minn., to Pittsburgh, Pa., 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 consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On March 3, 1932, no claim having been interposed for the property, and the consignee having consented to its destruction, judgment of condemnation 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.*

19684. Adulteration of herring. U. S. v. 10 Boxes of Herring, et al. Decrees of destruction entered. (F. & D. Nos. 27790, 27897. I. S. Nos. 52787, 53507, 53508. S. Nos. 5893, 5940.)

Examination of fish (herrings, bluefins) taken from the interstate shipments involved in these actions having shown that the article was infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On February 29 and March 11, 1932, the United States attorney filed in the United States District Court libels praying seizure and condemnation of 130 boxes of the said fish at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 23, 1932, and March 3, 1932, by the Lake Superior Fish Co., from Duluth, Minn., to Cincinnati, Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On March 1 and March 11, 1932, the court having found that the product was spoiled and unfit for human consumption, decrees were entered by the court in the respective cases ordering that the marshal destroy the fish immediately.

HENRY A. WALLACE, *Secretary of Agriculture.*

19685. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 27934. I. S. No. 46570. S. No. 5961.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On or about February 27, 1932, the United States attorney for the Southern District of California, 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 13 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 18, 1932, by Armour Creameries, from Pocatello, Idaho, to Los Angeles, Calif., 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 product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the statements appearing on the carton, "Armour's Cloverbloom Full Cream Butter One Pound Net Weight Distributed by Armour Creameries, General Offices, Chicago * * * Armour's Full Cream Guaranteed," were false and misleading, since the article contained less than 80 per cent of milk fat.

On March 8, 1932, claim and answer having been filed, judgment of condemnation was entered and it was ordered by the court that the product be released