

to the claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act and all other laws, and further conditioned that it be reworked under the supervision of this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19686. Adulteration of frozen tullibeas. U. S. v. 250 Boxes of Frozen Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27786. I. S. No. 29070. S. No. 5882.)**

Frozen tullibeas taken from the import shipment involved in this action were found, upon examination, to be infested with the cysts of parasitic worms.

On February 26, 1932, the United States attorney for the Southern District of New York, 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 250 boxes of frozen tullibeas at New York, N. Y., alleging that the article had been shipped by the Rousseau Lumber Co., from Winnipeg, Manitoba, Canada, on or about February 17, 1932, to New York, N. Y., 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 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 destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19687. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27891. I. S. No. 5381. S. No. 5870.)**

Samples of butter taken from the interstate 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 16, 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 seven tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 2, 1932, by the Danube Creamery Co., from Danube, Minn., to New York, N. Y., 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.

The Great Atlantic & Pacific Tea Co., New York, N. Y., interposed a claim for the property as agent for the Danube Creamery, Danube, Minn., admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On March 5, 1932, 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 \$200, conditioned in part that it be reworked, so that it comply with the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19688. Adulteration of butter. Consent decree of condemnation and forfeiture. Product released under bond. U. S. v. 10 Tubs of Butter. (F. & D. No. 27885. I. S. No. 5383. S. No. 5873.)**

Samples of butter taken from the interstate 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 10 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Green Isle Creamery, Green Isle, Minn., through the Arlington Creamery Association, Arlington, Minn., on or about February 10,

1932, and had been transported from the State of Minnesota into the State of New York, 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 February 29, 1932, the Fox River Butter Co. (Inc.) New York, N. Y., interposed a claim for the property as agent for the owner, the Green Isle Farmers Cooperative Creamery (Inc.), Green Isle, Minn., and admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On March 5, 1932, 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 \$300, conditioned in part that it be reworked, so that it comply with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19689. Adulteration and misbranding of pecans. U. S. v. 300 Bags, et al., of Pecans. Decrees entered ordering product released under bond to be sorted, and unfit portion destroyed.** (F. & D. Nos. 27929, 27936. I. S. Nos. 50649, 50650. S. Nos. 5971, 5984.)

Samples of pecans from the shipments involved in these actions were found to be wormy, moldy, and decomposed. The packages containing a portion of the article were not labeled with a statement of the quantity of the contents.

On March 17 and March 21, 1932, the United States attorney for the Eastern District of Missouri acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 323 bags of the said pecans, remaining in the original unbroken packages at St. Louis, Mo., consigned by H. L. Cromartie, Albany, Ga., in part on March 8, 1932, and in part on March 10, 1932, alleging that the article had been shipped in interstate commerce from Albany, Ga., to St. Louis, Mo., and charging adulteration and misbranding in violation of the food and drugs act as amended.

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

It was further alleged that a portion of the article was misbranded for the reason that the net weight was not declared.

On March 22, and 28, 1932, respectively, the F. W. Woolworth Co., St. Louis, Mo., having appeared as claimant for the property and having tendered bond in the sum of \$1,500, in accordance with section 10 of the act, the court ordered the bonds approved and the nuts delivered to the claimant to be cracked under the supervision of the department, the meats graded, the unfit portion destroyed, and the fit portion released. It was further ordered by the court that claimant pay costs of the proceedings.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19690. Adulteration of butter. U. S. v. 3 Cubes of Butter. Product released under bond to be reconditioned.** (F. & D. No. 28284. I. S. No. 46581. S. No. 6128.)

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 California.

On March 23, 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 three tubs 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 March 19, 1932, by the B A C Dairy, from Cedar City, Utah, to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From B A C Dairy Cedar City, Utah."

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.

Joseph Thorup, Los Angeles, Calif., entered an appearance and claim, admitted the allegations of the libel, and prayed release of the product upon the