

19778. Adulteration of cabbage. U. S. v. 26,000 Pounds of Cabbage. Decree of destruction. (5688-A. F. & D. No. 28335.)

Arsenic was found on cabbage taken from the interstate shipment involved in this action.

On May 10, 1932, the United States attorney for the Southern District of Ohio, 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 26,000 pounds of cabbage at Cincinnati, Ohio, consigned by M. E. Girard, on May 8, 1932, alleging that the article had been transported in interstate commerce from Lafayette, La., to Cincinnati, Ohio, 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 arsenic, an added poisonous or deleterious ingredient which might have rendered the article injurious to health.

In view of the perishable nature of the goods, and no claim having been entered for the property, the consignee recommended its immediate destruction. On May 20, 1932, a decree was entered, nunc pro tunc as of May 10, 1932, ordering that it be destroyed by the marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19779. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10397-A. F. & D. No. 28354.)

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

On May 12, 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 12 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about May 5, 1932, by the Eustis Cooperative Creamery Co., Eustis, Nebr., through the Nebraska Cooperative Creamery, Omaha, Nebr., and had been transported from the State of Nebraska 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.

The Eustis Cooperative Creamery Co., Eustis, Nebr., interposed a claim for the product 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 May 17, 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, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

19780. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10391-A. F. & D. No. 28338.)

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

On May 9, 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 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce, April 29, 1932, by Charles City Creamery Co., Charles City, Iowa, to New York City, 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.

George F. Wagner & Co., New York, N. Y., agent for the Charles City Creamery Co., Charles City, Iowa, interposed a claim for the product 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 May 19, 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 \$600, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

19781. Adulteration of cabbage. U. S. v. 1 Carload of Bulk Cabbage, et al. Product released under bond for reconditioning. (6609-A, 8595-A. F. & D. Nos. 28374, 28376.)

Arsenic was found on cabbage taken from the interstate shipments involved in these actions.

On May 14 and May 17, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of one carload and 220 crates of cabbage, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about May 4, 1932, and in part on or about May 8, 1932, by M. E. Girard, from Lafayette, La., to Pittsburgh, Pa., 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 contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the product harmful to health.

On May 17, 1932, M. E. Girard, Lafayette, La., claimant, having filed answers admitting the allegations of the libels, and having deposited cash bonds totaling \$750, orders were entered by the court granting leave to the claimant to recondition the goods under the supervision of this department. On May 21, 1932, the product having been reconditioned by removal of the arsenic, inspected, and passed by a representative of this department, and all costs of the proceedings having been paid, orders were entered releasing the goods and canceling the bonds.

HENRY A. WALLACE, *Secretary of Agriculture.*

19782. Adulteration of cabbage. U. S. v. 1 Carload of Cabbage. Product ordered released under bond to be reconditioned, and unfit portion destroyed. (6544-A. F. & D. No. 28343.)

Excessive arsenical spray residue was found on cabbage taken from the interstate shipment involved in this action.

On May 6, 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 a libel praying seizure and condemnation of one carload of cabbage at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 30, 1932, by Breaux Bridge Farm Produce Co., from Breaux Bridge, La., to St. Louis, Mo., 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 a poisonous substance, to wit, arsenic, which might have rendered the article injurious to health.

On May 10, 1932, Cicardi Bros. Fruit & Produce Co., St. Louis, Mo., claimant, filed a petition for the delivery of the property and tendered a bond in the sum of \$1,000, conditioned that the product should not be sold or disposed of in violation of the Federal food and drugs act, and all other laws. The court having approved the bond, ordered that the cabbage be delivered to the said claimant to be brought into compliance with the laws by trimming each head to eliminate all leaves containing arsenical spray residue, that all portions found to be unfit for human consumption be destroyed, and that the fit portion be released. The decree further provided for payment of costs by the claimant.

HENRY A. WALLACE, *Secretary of Agriculture.*