

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

On May 18, 1932, respondent having filed a claim and answer admitting the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws. On December 28, 1932, the claimant having waived all rights to recondition the product, the court ordered that it be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19845. Misbranding of salad oil. U. S. v. 11 Cans, et al., of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28223. I. S. Nos. 38660, 38661. S. No. 6054.)**

This action involved the interstate shipment of two lots of salad oil which consisted principally, if not entirely, of domestic cottonseed oil. The article was labeled so as to convey the impression that it was a foreign product, and sample cans taken from one lot were found to be short volume.

On April 20, 1932, the United States attorney for the District of New Jersey, 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 19 cans of salad oil, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 27, 1932, by the Korbros Oil Co. (Inc.), from Brooklyn, N. Y., to Newark, N. J., and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Contents One Gallon Olio Sicilia Brand." The remainder of the said article was labeled in part: "Lucca Brand Extra Fine Quality Salad Oil."

Misbranding of the Sicilia brand oil was alleged for the reason that the statements on the label, "Contents 1 gallon" and "Olio Sicilia," were false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding of the Lucca brand oil was alleged for the reason that the statement "Lucca Brand" and the design of sprays of olive branches appearing on the label of the product, were false and misleading and deceived and misled the purchaser, and for the further reason that the article purported to be a foreign product when not so.

On May 25, 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.*

**19846. Misbranding of potatoes. U. S. v. 360 Bags of Potatoes. Product ordered released under bond to be relabeled. (F. & D. No. 27994. I. S. No. 32677. S. No. 6046.)**

This action involved the interstate shipment of a quantity of potatoes which were below the grade declared on the label.

On April 9, 1932, the United States attorney for the Western 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 360 bags of potatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 1, 1932, by the Utah Fruit & Vegetable Growers (Inc.), Salt Lake City, Utah, to Kansas City Mo., and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Selected U. S. Number One Potatoes. Utah Fruit and Vegetable Growers Inc., Salt Lake City, Utah." The remainder was labeled in part: "Selected U. S. Number One Big M Brand Potatoes. E. O. Muir and Company, Salt Lake City, Utah."

It was alleged in the libel that the article was misbranded in that the statement on the label, "U. S. Number One," was false and misleading and deceived and misled the purchaser.

On April 14, 1932, the Utah Fruit & Vegetable Growers (Inc.), Salt Lake City, Utah, having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant to be sorted, re-sacked,

and re-marked under the supervision of this department so as to conform in all respects to Government regulations; that claimant pay all costs of the proceedings, and that the inedible portion be destroyed, or disposed of in accordance with the law.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19847. Adulteration and misbranding of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (11362-A. F. & D. No. 28468.)**

This case involved the 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 for butter provided by Congress.

On June 28, 1932, the United States attorney for the Eastern 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 37 tubs of butter, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 20, 1932, by the Hopkinton Creamery Co., from Hopkinton, Iowa, to Brooklyn, N. Y., 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 by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article had been offered for sale under the distinctive name of butter, whereas it was not butter, since it contained less than 80 per cent of butterfat, the standard provided by law.

The Great Atlantic & Pacific Tea Co., interposed a claim for the product, as agent for the Hopkinton Creamery Co., Hopkinton, Iowa, 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 July 6, 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 \$700, conditioned that it be reworked so that it comply with the law.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19848. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (10015-A. F. & D. No. 28297.)**

Arsenic and lead were found on samples of apples taken from the interstate shipment involved in this action.

On May 9, 1932, the United States attorney for the District of Maryland, 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 756 boxes of apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 25, 1932, by the Wells & Wade Fruit Co. from Wenatchee, Wash., to Baltimore, Md., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wells & Wade Fruit Co. Twin WW Brand, Wenatchee, Washington, Fancy Winesaps."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On May 16, 1932, the Wells & Wade Fruit Co., Wenatchee, Wash., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for sorting or reconditioning, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or disposed of contrary to the food and drugs act and all other laws. The bond further provided that any portion of the product found adulterated after sorting and reconditioning be destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19849. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10351-A. F. & D. No. 28287.)**

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 prescribed by Congress.