

19958. Adulteration of poultry. U. S. v. 3 Cases of Poultry. Default decree of condemnation, forfeiture, and destruction. (No. 80-A. F. & D. No. 28294.)

This action involved the shipment of a quantity of poultry that was found to be in part diseased and decomposed.

On May 9, 1932, the United States attorney for the Northern 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 three cases of the said poultry, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 16, 1932, by Swift & Co., from Portland, Oreg., to San Francisco, Calif., 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, or putrid animal substance, and in that it was the product of diseased animals.

On July 7, 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.*

19959. Adulteration of canned shrimp. U. S. v. 50 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28729. I. S. No. 23025. S. No. 4877.)

This action involved the interstate shipment of a quantity of canned shrimp, samples of which were found to be partially decomposed.

On July 1, 1931, the United States attorney for the Northern 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 50 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about May 9, 1931, by the Pelican Lake Oyster & Packing Co., from Houma, La., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "S and W Large Size Shrimp."

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

On August 1, 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.*

19960. Adulteration of butter. U. S. v. 21 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1623-A. F. & D. No. 28389.)

This action 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 prescribed by Congress.

On May 25, 1932, the United States attorney for the Western District of Washington, 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 21 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 23, 1932, by the Clear Creek Creamery from Portland, Oreg., to Seattle, Wash., 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 June 6, 1932, the Clear Creek Creamery, Portland, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned so that it would conform with the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$275, conditioned 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.

HENRY A. WALLACE, *Secretary of Agriculture.*