

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should not contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 1, 1932, the North Idaho Co-operative Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 \$150, conditioned in part that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws, and that it be brought into conformity with the law under the supervision of this department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20026. Adulteration of shell eggs. U.S. v. 5 Cases, et al., of Shell Eggs. Decree of destruction entered. (F. & D. No. 28556. Sample Nos. 11009-A, 11010-A.)

This action involved the shipment of quantities of shell eggs, which were found to be in part decomposed.

On July 9, 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 29 cases of shell eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, in part on or about April 14, 1931, and in part on or about April 25, 1931, by the E. G. Morse Co., from Mason City, Iowa, to Jersey City, N.J., 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 decomposed and putrid animal substance.

On August 15, 1932, the owner having expressed a desire to surrender the eggs for destruction, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20027. Adulteration and misbranding of potatoes. U.S. v. 300 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. No. 28655. Sample No. 13408-A.)

This case involved the shipment of a quantity of potatoes which were labeled "U. S. No. 1," and which were found to be below grade.

On August 12, 1932, the United States attorney for the Western District of Pennsylvania, 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 300 sacks of potatoes, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce or on about August 9, 1932, by the George Lafbury Co., from Pomeroy, Ohio, to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Net U. S. No. 1 Grade."

It was alleged in the libel that the article was adulterated in that potatoes below the grade specified on the label had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label "U. S. No. 1 Grade," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 15, 1932, the George Lafbury Co., Pittsburgh, Pa., appeared as claimant, admitted the allegations of the libel, and filed a petition praying release of the product for relabeling, representing that the potatoes were the property of Arvil F. Holter, Mrs. Norma Dean, and Delbert Gaul, all of Chester, Ohio, and that petitioner was acting as agent for the said parties.

20028. Adulteration of cherries. U.S. v. 111 Baskets of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28577. Sample No. 8447-A.)

Arsenic in an amount that might have rendered the article injurious to health was found on cherries taken from the shipment involved in this case.

On July 19, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 111 baskets of cherries, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Wm. Wickham & Son, Hector, N.Y., alleging that the article had been shipped in interstate commerce, on or about July 1, 1932, from Hector, N.Y., to Philadelphia, 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 contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On August 9, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20029. Misbranding of canned peaches. U.S. v. 28 Cases, et al., of Canned Peaches. Decrees of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. Nos. 27794, 27808. I. S. Nos. 41124, 52609. S. Nos. 5888, 5905.)

These actions involved the interstate shipment of quantities of canned peaches, samples of which fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, and which was not labeled to indicate that it was substandard.

On February 29, 1932 and March 4, 1932, the United States attorney for the Western District of Tennessee, 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 369 cases of canned peaches at Memphis, Tenn., alleging that the article had been shipped in interstate commerce in various consignments on or about August 20, 1931, September 14, 1931, and November 1, 1931, by the Paragould Canning Co., from Paragould, Ark., to Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Crowley's Ridge Brand Yellow Frees Pie Peaches Packed in 10 Degree Syrup [or "Packed in Light Syrup"] * * * Packed by Paragould Canning Co., Paragould, Ark." The remainder were labeled in part: "Crowley's Ridge Brand Water Packed Pie Peaches."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that a portion contained excessive trimming, excessively ragged units, and excessive amounts of peel; and the remainder contained an excessive amount of hard and excessively trimmed fruit and the Brix reading was below 14 degrees and its label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that such canned food fell below such standard.

On August 11, 1932, the Paragould Canning Co., Paragould, Ark., claimant, having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that it should not be sold or disposed of contrary to the laws of the United States and all other laws, and that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20030. Adulteration of cheese. U.S. v. 4 Boxes and 2 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28357. Sample Nos. 3283-A, 3284-A.)

This action involved the shipment of a quantity of cheese, analysis of which showed the product to contain excessive moisture.

On May 31, 1932, the United States attorney for the Northern District of Illinois, 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 6 boxes of cheese, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 11, 1932, by Fitzgerald & Son, from Watertown, Wis., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was invoiced as "Twins" and was labeled in part: "Wisconsin Factory * * * Dept. of Agr. and Markets