

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

Wisconsin State Brand"; or "Wis. Dept. * * * & Markets Undergrade Wisconsin Factory."

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive moisture, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article.

On July 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.

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

20031. Adulteration and misbranding of butter. U.S. v. 9 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28364. Sample Nos. 3224-A, 5510-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 11, 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 9 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 26, 1932, by the Farmers Cooperative Creamery Co., from Clear Lake, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Butter"; (shipping case) "Farmers Co-Op. Creamery Co., Clear Lake, Wisconsin."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "Butter," which was false and misleading in that said article contained less than 80 percent of milk fat.

On July 2, 1932, the Farmers Co-Operative Creamery Co., Clear Lake, Wis., claimant, having admitted the allegations of the libel and 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 for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, district, or insular possession.

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

20032. Adulteration of butter. U.S. v. 12 Cubes of Butter. Product released under bond for reworking. (F. & D. No. 28486. Sample No. 992-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On July 7, 1932, the United States attorney for the Southern 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 12 cubes 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 July 2, 1932, by 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 percent of milk fat had been substituted wholly or in part for butter.