

20250. Adulteration and misbranding of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28897. Sample no. 3569-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 August 16, 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 15 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 28, 1932, by Adrian Creamery, from Adrian, Minn., to Chicago, Ill., 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 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, since it contained less than 80 percent of milk fat.

On September 20, 1932, the Peter Fox Sons Co., Chicago, Ill., 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 for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, 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.*

20251. Adulteration of apples. U.S. v. 26 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29303. Sample no. 29914-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 27, 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 26 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 21, 1932, by Sam Guarino, from Benton Harbor, Mich., to Chicago, Ill., 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 added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 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.*

20252. Adulteration of apples. U.S. v. 15 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29535. Sample no. 29898-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 25, 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 15 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 20, 1932, by Clayton E. Altenburg, from Kibbie, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.