

drugs act as amended. The articles were labeled in part: "Blue and White Brand Contents 1 Lb. * * * Black Eyed Peas [or "Red Beans"]".

It was alleged in the libel that the article was misbranded in that the statement "Contents 1 Lb." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement on the label was incorrect.

On October 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the marshal relabel the goods and sell them at public auction.

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

20317. Adulteration and misbranding of butter. U.S. v. 35 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28437. Sample no. 8730-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 June 16, 1932, the United States attorney for the Western 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 35 boxes each containing thirty 1-pound cartons of butter remaining in the original unbroken boxes, in part at Jamestown, N.Y., and in part at Olean, N.Y., assigned by McKean County Creamery, alleging that the article had been shipped from Smethport, Pa., on or about June 15, 1932, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Retail package) "Smethport Brand Creamery Butter * * * McKean County Creamery, Smethport, Pa."

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 for butter.

Misbranding was alleged for the reason that the article was labeled "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On October 31, 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.*

20318. Adulteration and misbranding of tomato catsup. U.S. v. 8 Cases of Mid-West Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 28418. Sample no. 7294-A.)

This action was based on the shipment of a quantity of canned tomato catsup, samples of which were found to contain excessive mold and added gum.

On or about June 20, 1932, the United States attorney for the Southern District of Mississippi, 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 eight cases of tomato catsup, remaining in the original unbroken packages at Brookhaven, Miss., alleging that the article had been shipped in interstate commerce on or about April 22, 1932, by Fraering Brokerage Co., from New Orleans, La., to Brookhaven, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Mid-West Brand * * * Tomato Catsup Made by Midwest Food Packers Inc., Marion, Ind. Made of Fresh Ripe Tomatoes * * * We Guarantee this catsup to be absolutely pure. No preservative or artificial coloring."

It was alleged in the libel that the article was adulterated in that a substance, to wit, tomato catsup containing added gum, had been substituted in whole or in part for the article. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On November 11, 1932, no claimant having appeared for the property, judgment of condemnation 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.*