

20333. Adulteration and misbranding of butter. U.S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 29068. Sample no. 4374-A.)

This action involved 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 for butter prescribed by Congress.

On September 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 20 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 September 7, 1932, by Peter Fox Sons Co., from Watertown, S.Dak., 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 was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On October 14, 1932, 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 Federal Food and Drugs Act and all other laws.

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

20334. Adulteration of cauliflower. U.S. v. 385 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29134. Sample no. 14222-A.)

This action involved a shipment of cauliflower which was found to bear arsenic in an amount that might have rendered the article injurious to health.

On October 14, 1932, the United States attorney for the District of Maryland, 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 385 crates of cauliflower, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by J. C. Stevens, from Riverhead, N.Y., to Baltimore, Md., 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 and deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On October 18, 1932, no claim having been entered 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.*

20335. Adulteration of cauliflower. U.S. v. 235 Crates of Cauliflower. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 29136. Sample no. 16727-A.)

This action involved a shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On or about October 11, 1932, the United States attorney for the Southern District of Florida, 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 235 crates of cauliflower, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about September 30, 1932, by Z. J. Fort Produce Co., from Denver, Colo., to Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled

in part: "Old Fort Brand Vegetables, Packed by Z. J. Fort Produce Co., Denver, Colo."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

On October 14, 1932, the consignor, the Z. J. Fort Produce Co., and the consignee, 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 destroyed by the United States marshal.

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

20336. Adulteration of canned salmon. U.S. v. 6,478 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond; unfit portion ordered destroyed. (F. & D. nos. 28950, 28960, 28972, 28994. Sample nos. 14845-A, 25853-A, 25870-A, 26063-A, 26089-A, 26115-A.)

These actions involved shipments of canned salmon, samples of which were found to be partially decomposed.

On September 28, October 4, and October 7, 1932, the United States attorney for the Western District of Washington, 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 19,848 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in part on or about August 13, and in part on or about August 18, 1932, by the Standard Packing Co., from Shepard Point, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

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

On October 28, 1932 and November 1, 1932, the Standard Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bonds in the total sum of \$3,000, conditioned in part that the decomposed portions be separated from the fit portion. It was further ordered that the portion found fit for human consumption be released and that the decomposed portion be destroyed in the process of separation.

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

20337. Adulteration and misbranding of canned tomato paste. U.S. v. 20 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28918. Sample no. 7838-A.)

This action involved the shipment of a product represented to be tomato paste, which was found to be a strained tomato product, insufficiently concentrated to be called tomato paste. Sample cans of the article also were found to contain less than the declared weight.

On September 16, 1932, the United States attorney for the District of Puerto Rico, 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 20 cases of alleged tomato paste, charging that the article had been shipped on or about August 5, 1932, by Angelo Glorioso, New Orleans, La., to Santurce, P.R., that it was being offered for sale and sold in Puerto Rico, by Jose B. Lopez, Sucs., of Santurce, P.R., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Eagle Brand Tomato Paste, Color Added. Contents 5 Ozs. Net. Salsa Di Pomodoro, * * * Packed by A. Glorioso, New Orleans, La."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated, strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Tomato Paste. Contents 5 Ozs. Net", were 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, and for the further reason that the article was in package form and the quantity