

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the product harmful to health.

On December 5, 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.*

20502. Adulteration and misbranding of butter. U. S. v. 31 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29069. Sample no. 9497-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 29, 1932, the United States attorney for the District of Massachusetts, 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 31 boxes of butter, remaining in the original and unbroken packages at Springfield, Mass., consigned on or about September 19, 1932, alleging that the article had been shipped in interstate commerce by the Dickinson Creamery Co., from Dickinson, N.Dak., to Springfield, Mass., 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 product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

On November 18, 1932, the Dickinson Creamery Co., Dickinson, N.Dak., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. It was further ordered that the butter be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat.

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

20503. Adulteration and misbranding of canned shrimp. U. S. v. 12 Cases and 51 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29190. Sample nos. 16409-A, 16410-A.)

This action involved the interstate shipment of two lots of canned shrimp, which was in part decomposed; sample cans also were found to contain less than the declared weight. The article, because of the presence of excessive brine, fell below the standard of fill of container promulgated by the Secretary of Agriculture, and was not labeled: "Slack Fill. Contains Excess Added Liquid."

On November 3, 1932, the United States attorney for the District of Massachusetts, 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 63 cases of canned shrimp, remaining in the original and unbroken packages at Salem, Mass., alleging that the article had been shipped in interstate commerce on or about August 27, 1932, by the Nassau Packing Co. Inc., from Jacksonville, Fla., to Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: (Can) "Net Weight Wet Pack 5¾ Ozs. Ponce de Leon Brand Nassau Shrimp * * * Packed by Nassau Sound Packing Co., Jacksonville, Fla. S. S. Goffin, Proprietor." The remainder was labeled in part: (Can) "Wet Pack 5¾ Ounces Net Weight St. Johns Brand Fresh Shrimp Goods Guaranteed * * * The Nassau Sound Packing Co., Nassauville, Fla."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

Misbranding of the article was alleged for the reason that the statements, "Net Weight 5¾ Ozs." and "5¾ Ounces Net Weight", were false and mis-

leading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was canned food, and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since the product was slack-filled because of excessive brine, and the package or label did not bear a plain and conspicuous statement indicating that it fell below such standard. On December 15, 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.*

20504. Adulteration of apples. U. S. v. 46 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29317. Sample no. 5049-A.)

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

On October 28, 1932, the United States attorney for the Southern 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 46 bushels of apples at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about October 20, 1932, by R. G. Beckwith, from Benton Harbor, Mich., to Peoria, 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 an added poisonous and deleterious ingredient, arsenic, 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.*

20505. Adulteration of cauliflower. U. S. v. 10 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29266, 29328, 29635. Sample nos. 12655-A, 13323-A, 18429-A.)

These actions involved the interstate shipments of quantities of cauliflower that bore arsenic and lead in amounts which might have rendered the article injurious to health.

On October 15, 1932, the United States attorney for the Western District of Texas, 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 18 crates of cauliflower at Austin, Tex. On or about October 18, 1932, the United States attorney for the Southern District of Texas filed libels against 10 crates of cauliflower at Corpus Christi, Tex., and 27 crates at Galveston, Tex. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about October 1, 1932, and in part on or about October 5, 1932, by the Rocky Mountain Produce Co., from Denver, Colo., and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it contained added poisonous and deleterious ingredients, arsenic and lead, which ingredients might have rendered the product injurious to health.

On November 18, December 2, and December 9, 1932, no claim having been entered in the cases, nor answers filed to the various libels, judgments of condemnation and forfeiture were entered, and it was ordered by the courts that the product be destroyed by the United States marshal.

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

20506. Adulteration of apples. U. S. v. 710 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29637. Sample no. 18037-A.)

This action involved the interstate shipment of a quantity of apples that bore arsenate of lead in an amount which might have rendered them injurious to health.

On November 16, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District