

ment by said defendant in violation of the Food and Drugs Act, on or about June 2, 1931, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of March 4, 1923.

On November 28, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

20525. Adulteration of pecans. U. S. v. 4 Sacks of Pecans. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28328. Sample no. 6547-A.)

Samples of pecans taken from the shipment involved in this action were found to be moldy, rancid, and decomposed.

On May 18, 1932, the United States attorney for the Eastern District of Missouri, 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 four sacks of pecans, remaining in the original and unbroken sacks at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 24, 1932, by the National Pecan Marketing Association, from Gulfport, Miss., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "National Pecan Marketing Association, Jackson, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On November 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.*

20526. Adulteration of butter. U. S. v. Thirty-five 10-Pound Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28323. Sample no. 8120-A.)

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

On May 5, 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 thirty-five 10-pound cartons of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about April 29, 1932, by S. H. Grinstead Co., from Lebanon, Ky., 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 a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On May 7, 1932, the Kingan Provision Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be reworked under the supervision of this Department, and that it should not be sold or disposed of in violation of the Federal Food and Drugs Act, and all other laws.

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

20527. Adulteration and misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Default decree. Product ordered delivered to a charitable institution. (F. & D. no. 27982. I. S. no. 53522. S. no. 5999.)

This action involved an interstate shipment of water-packed cherries containing excessive pits, which were not labeled to show that they fell below the standard for canned cherries established by the Secretary of Agriculture.

On March 29, 1932, the United States attorney for the Western District of Kentucky, 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 37 cases of canned cherries, remaining in the original packages at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about August 25, 1931, by the Great Lakes Fruit Industries, of Onekama, Mich., from Toledo, Ohio, to Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Onekama Brand Red Sour Pitted Cherries Unsweetened * * * Packed by Onekama Canning Co., Onekama, Michigan."

It was alleged in the libel that the product was adulterated in that partially pitted cherries had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Pitted Cherries", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the product was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it was water-packed and its package or label did not bear a plain and conspicuous statement indicating that the product fell below such standard.

On November 18, 1932, no claimant having appeared for the property, and the court having found that the product could be relabeled and made to comply with the law, judgment was entered ordering that it be delivered to charitable institutions.

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

20528. Adulteration of butter. U. S. v. William F. Becker (De Soto Creamery). Plea of guilty. Fine, \$10. (F. & D. no. 28039. I. S. no. 36349.)

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 for butter provided by Congress.

On July 8, 1932, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William F. Becker, trading as De Soto Creamery, at De Soto, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 29, 1931, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

On December 5, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

20529. Misbranding of canned orange juice. U. S. v. Floriorange Canneries, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 27343. I. S. no. 22306.)

This action was based on the interstate shipment of a quantity of canned orange juice, sample cans of which were found to contain less than the declared volume.

On May 17, 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 an information against the Floriorange Canneries, Inc., Mount Dora, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1, 1931, from the State of Florida into the State of Washington, of a quantity of orange juice that was misbranded. The article was labeled in part: (Cans) "Floriorange Orange Juice Contents 1 Pint 4 Fl. Oz. Floriorange Canneries, Inc. Main Office Mount Dora, Florida."

It was alleged in the information that the article was misbranded in that the statement "Contents 1 Pint 4 Fl. Oz.", borne on the cans containing the article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the con-