

pound. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was incorrect.

On January 7, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1,200.

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

20639. Adulteration of butter. U. S. v. Farmers Union Cooperative Creamery Co. Plea of guilty. Fine, \$10. (F. & D. no. 28207. I. S. nos. 35040, 36116.)

This action was based on the interstate shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On November 15, 1932, the United States attorney for the District of Nebraska, 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 Farmers Union Cooperative Creamery Co., a corporation, Norfolk, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 12 and July 22, 1931, from the State of Nebraska into the State of Illinois, of quantities 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 required by the act of March 4, 1923.

On January 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

20640. Adulteration of rabbits. U. S. v. 4 Barrels of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29580. Sample no. 32908-A.)

This action involved the interstate shipment of a quantity of rabbits, examination of which showed the product to be decomposed.

On December 2, 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 four barrels of rabbits at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about November 23, 1932, by Ross & Co., from Baring, Mo., to Buffalo, N. Y., 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 consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 28, 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.*

20641. Misbranding of canned pitted cherries. U. S. v. 140 Cases of Canned Cherries. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29304. Sample no. 22384-A.)

This action involved the interstate shipment of a product represented to be pitted cherries and which was found to consist in part of unpitted cherries. The article was packed in a solution that did not contain a sufficient amount of sugar to bring the liquid portion up to the standard prescribed by this Department, and was not labeled to indicate that it was substandard.

On November 17, 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 140 cases of canned cherries, remaining in the original and unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 12, 1932, by Orrtanna Canning Co., from Orrtanna, Pa., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Homeland Brand * * * Red Sour Pitted Cherries Packed by Orrtanna Canning Co., Orrtanna, Pa."

In was alleged in the libel that the article was misbranded in that the statement "Pitted Cherries" was false and misleading and deceived and misled the purchaser, when applied to a product consisting in part of unpitted cherries. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the liquid portion of the product read less than 16 degrees Brix, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On December 20, 1932, A. J. Harris & Co., Baltimore, Md., 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 delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it should not be sold or disposed of until relabeled so as to conform to the provisions of the Federal Food and Drugs Act.

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

20642. Adulteration and misbranding of flour middlings. U. S. v. 106 Bags of Flour Middlings. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29153. (I. S. no. 17788-A.)

This action involved the interstate shipment of a quantity of flour middlings that contained added scourings or added screenings and scourings.

On November 3, 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 106 bags of flour middlings, remaining in the original unbroken packages at Westminster, Md., alleging that the article had been shipped on or about August 26, 1932, by the Hanley Milling Co., from Mansfield, Ohio, to Westminster, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Flour Hanley's Middlings * * * The Hanley Milling Co., Mansfield, Ohio."

It was alleged in the libel that the article was adulterated in that added screenings and/or scourings had been substituted in part for the article.

Misbranding of the article was alleged for the reason that the statement "Pure Flour * * * Middlings" was false and misleading and deceived and misled the purchaser when applied to a product containing added screenings and/or scourings. Misbranding was alleged for the further reason that it was sold under the distinctive name of another article.

On January 26, 1933, a claim having been interposed for the property, 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 \$150, conditioned that it should not be sold or disposed of contrary to law. On March 6, 1933, the claimant having properly relabeled the product, the bond was exonerated.

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

20643. Misbranding of canned orange juice. U. S. v. 283 Cases of Orange Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29672. Sample no. 4247-A.)

This action involved the shipment of a quantity of canned orange juice that was short volume.

On or about December 29, 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 283 cases of orange juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1932, by Stephens Packing Co., from Upland, Calif., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Stephens Pure California Valencia Orange Juice net contents 1 pint 4 fl. oz."

It was alleged in the libel that the article was misbranded in that the statement, "Net contents 1 pint 4 fl. oz.", was false and misleading 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.