

On April 4, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**20832. Misbranding of butter. U. S. v. 6 Cartons of Butter. Product released under bond. (F. & D. no. 30083. Sample nos. 28159-A, 28160-A.)**

This action involved a quantity of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On March 13, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 6 cartons of butter at Santa Fe, N.Mex., alleging that the article had been shipped in interstate commerce, on or about February 21 and February 23, 1933, by the Carlson-Frink Co., from Denver, Colo., to Santa Fe, N.Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mountain Kist Butter, A. Frink Product, One Pound Net \* \* \* Carlson-Frink Co., Denver, Colo."

It was alleged in the libel that the article was misbranded in that the statement, "One Pound", borne on the label, was false and misleading and deceived and misled the purchaser, since the packages contained less than 1 pound. 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 made was incorrect.

The Carlson-Frink Co., Denver, Colo., appeared as claimant for the property, and admitted the allegations of the libel, and filed a good and sufficient bond conditioned that the product should not be disposed of in violation of the law. On April 10, 1933, a decree was entered ordering the butter released to the claimant, and permitting its shipment to Denver in order that the contents of the cartons be brought up to the declared weight; and further ordering that claimant pay costs of the proceedings.

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

**20833. Adulteration of butter. U. S. v. 30 Cartons of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 29899. Sample no. 34884-A.)**

This case involved a quantity of butter that contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On February 15, 1933, 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 a libel praying seizure and condemnation of 30 cartons, each containing 30 pounds of butter, at Reading, Pa., alleging that the article had been shipped in interstate commerce, on or about February 4, 1933, by Paul A. Schulze Co., from St. Louis, Mo., to Reading, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clover Springs \* \* \* Butter \* \* \* Distributed by Paul A. Schulze Co., St. Louis, Mo."

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 March 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product was wholesome, ordered that it be delivered to charitable institutions.

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

**20834. Misbranding of grapefruit juice. U. S. v. 145 Cases of Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29647. Sample no. 30083-A.)**

This case involved a quantity of grapefruit juice, sample cans of which were found to contain less than the declared amount.

On December 16, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 145 cases of grapefruit juice at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about October 10, 1932, by the

Williams Todd Co., from Chicago, Ill., to Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hanson's \* \* \* Grapefruit Juice Net Contents 1 Pint 4 Fl. Oz."

It was alleged in the libel that the article was misbranded in that the statement on the label, "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 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 made was incorrect.

On April 11, 1933, Harry Bartley Raymond, Los Angeles, Calif., 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 claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

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

**20835. Adulteration of shell eggs. U. S. v. General Hardy Hand. Plea of guilty. Fine, \$25. (F. & D. no. 27480. I. S. nos. 35499, 35500.)**

This action was based on an interstate shipment of shell eggs that were in large part decomposed.

On January 2, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against General Hardy Hand, of Hand, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 1, 1931, from the State of Arkansas into the State of Missouri, of a quantity of shell eggs that were adulterated. The article was labeled in part: (Tag) "G. H. Hand, Hand, Ark."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On April 3, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**20836. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30085. Sample no. 31539-A.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 14, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 23 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about March 2, 1933, by the Winthrop Cooperative Creamery Association, from Gaylord, Minn., to New York, 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 a product containing less than 80 percent by weight of milk fat had been substituted for butter.

The Winthrop Cooperative Creamery Association appeared through an agent and filed a claim for the property, admitting the allegations of the libel, and consenting to the entry of a decree. On March 23, 1933, 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, conditioned in part that it be reworked so that it contain at least 80 percent of milk fat.

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

**20837. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30087. Sample no. 32003-A.)**

This case involved an interstate shipment 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.