

On January 18, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 7½ boxes of frozen tullibeas at Chicago, Ill., alleging that the article had been shipped on or about October 23, 1932, by the Warroad Fish Co., from Warroad, Minn., to Chicago, 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 consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, 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.*

20847. Adulteration of tullibeas. U. S. v. 9 Boxes of Fresh Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29879. Sample no. 28546-A.)

This action involved the interstate shipment of a quantity of tullibeas that were found to be infested with worms.

On January 27, 1933, 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 a libel praying seizure and condemnation of nine 80-pound boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped on or about January 23, 1933, by Harry Brewster, from Warroad, Minn., to Chicago, 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 consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, 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.*

20848. Adulteration of canned frozen eggs. U. S. v. 200 Cans of Frozen Eggs. Decree of condemnation entered. Product released under bond, conditioned that unfit portion be denatured. (F. & D. no. 29853. Sample no. 26998-A.)

This action involved a quantity of canned frozen eggs that were found to be in part decomposed.

On February 14, 1933, the United States attorney for the Southern District of Ohio, 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 200 cans of frozen eggs at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about January 9, 1933, by the Fairmont Creamery Co., from Dodge City, Kans., to Columbus, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Fairmont Frozen Fresh Eggs * * * Packed by the Fairmont Creamery Co. General Offices, Omaha, Nebraska."

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

On March 28, 1933, the Fairmont Creamery Co., Omaha, Nebr., having appeared as claimant for the property, judgment of condemnation 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 \$2,000, conditioned that the cans containing good eggs be separated from those containing decomposed eggs, that the former be released and the latter denatured and disposed of for technical uses.

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

20849. Adulteration and misbranding of vanilla extract. U. S. v. Schaul C. Greinoman (Atlanta Supply Co.). Plea of guilty. Fine, \$50. (F. & D. no. 25692. I. S. nos. 017651, 019851, 019852, 022501, 024602, 024811, 024812, 025733, 025734.)

This action was based on several shipments of a product, represented to be vanilla extract, that consisted of diluted vanilla extract, artificially colored.

On March 14, 1932, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States an information against Schaul G. Greinoman, trading as the Atlanta Supply Co., Atlanta, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 30, and September 14, 1929, from the State of Georgia into the States of Kansas, Kentucky, Wyoming, Missouri, Nebraska, and Oklahoma, of several lots of alleged vanilla extract that was adulterated and misbranded. The article was labeled in part: (Bottle) "Flavoring Extract Vanilla 40% Alcohol * * * Manufactured by The Atlanta Supply Co. Atlanta, Georgia."

It was alleged in the information that the article was adulterated in that a dilute, artificially colored extract had been substituted for vanilla extract, which the article purported to be.

Misbranding was alleged for the reason that the statement "Extract Vanilla" borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not extract of vanilla, but was an artificially colored, dilute extract.

On March 21, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

20850. Misbranding of butter. U. S. v. 120 Cartons of Butter. Product ordered released to be made to comply with the law. (F. & D. no. 30492. Sample no. 36117-A.)

This case involved an interstate shipment of butter, sample packages of which were found to contain less than 1 pound, the declared weight.

On April 18, 1933, the United States attorney for the District of Utah, 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 120 cartons, each containing 30 packages of butter at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, April 13, 1933, by the Gooding Cooperative Creamery Association, from Gooding, Idaho, to Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Pound Net Weight Golden Rod Brand * * * Butter Distributed by Challenge Cream and Butter Assn., Los Angeles, California."

It was alleged in the libel that the article was misbranded in that the statement, "One Pound Net Weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement on the packages of the quantity of the contents, since the statement made was not correct.

On April 20, 1933, the Challenge Cream & Butter Association, Salt Lake City, Utah, having appeared as claimant for the property, a decree was entered ordering that the product be released to the claimant to be made to conform in all respects with the law, under the supervision of this Department, and it was further ordered that claimant pay costs of the proceedings.

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

20851. Adulteration of apples. U. S. v. 564 Boxes, et al., of Apples. Decrees of condemnation entered. Portion of product released under bond; remainder destroyed. (F. & D. nos. 29949, 30006, 30014, 30017, 30079, 30113. Sample nos. 6461-A to 6475-A, incl., 21513-A, 24084-A, 26586-A, 33562-A, 33564-A to 33566-A, incl., 33572-A, 33573-A, 33574-A, 35731-A to 35735-A, incl.)

These cases involved several interstate shipments of apples that were contaminated with spray residue containing lead, or lead and arsenic.

On or about February 16, 1933, the United States attorney for the Southern District of West Virginia, 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 630 boxes of apples at Mabscott, W.Va. Between the dates of March 1 and March 17, 1933, the following libels were filed: In the Western District of Missouri against 564 boxes of apples at Kansas City, Mo.; in the Southern District of Texas against 486 boxes of apples at Houston, Tex.; in the Eastern District of Missouri against 14 boxes of apples at St. Louis, Mo.; and in the District of New Jersey against 756 boxes of apples at Jersey City, N.J. The libels charged that the apples had been shipped in interstate commerce by the Wenatchee-Okanogan Cooperative Federation; that the shipments had been made from Wenatchee, Monitor, and Cashmere, Wash.; that they had