

that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$752, conditioned that it be relabeled in a manner satisfactory to this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21044. Adulteration and misbranding of butter. U. S. v. 208 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 30397. Sample nos. 29629-A, 29630-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.

On April 12, 1933, the United States attorney for the Southern District of California, 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 208 cases of butter at Los Angeles, Calif., consigned by the Beatrice Creamery Co., Denver, Colo., alleging that the article had been shipped in interstate commerce, on or about March 29, 1933, from Denver, Colo., to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Meadow Gold Butter \* \* \* Beatrice Creamery Company."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On April 13, 1933, E. L. Thomson Co., Inc., filed a claim and answer as agent for the Beatrice Creamery Co., admitted the allegations of the libel, and filed a good and sufficient bond, conditioned that the product would not be disposed of in violation of the Federal Food and Drugs Act. On the same date judgment of condemnation was entered and it was ordered by the court that the product be released under the conditions of the said bond. On April 28, 1933, the product having been reworked and found in compliance with the law, the order of release was made permanent and the bond was ordered exonerated upon payment of costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21045. Adulteration of apples. U. S. v. Wenatchee Federated Growers. Plea of guilty. Fine, \$100. (F. & D. no. 28139. I. S. no. 44544.)**

This case was based on an interstate shipment of apples bearing arsenic and lead in amounts which might have rendered them injurious to health.

On February 9, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Wenatchee Federated Growers, a corporation, Wenatchee, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 30, 1931, from the State of Washington into the State of Kansas, of a quantity of apples which were adulterated. The article was labeled in part: "Delicious Wenoka Apples \* \* \* J. T. Cole Wenatchee Wash. \* \* \* Grown and Packed by Wenatchee Federated Growers, Wenatchee, Washington."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, in amounts which might have rendered it injurious to health.

On April 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21046. Adulteration of shell eggs. U. S. v. Earl Cockrell. Plea of guilty. Fine, \$10. (F. & D. no. 28081. I. S. no. 40516.)**

This case was based on an interstate shipment of eggs which were in part decomposed.

On October 13, 1932, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Earl Cockrell, Tupelo, Miss., alleging shipment by said defendant, in violation of the Food