

had been shipped in interstate commerce on or about May 27, 1933, by the Brooklawn Creamery Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Individual print) "Little Lake Creamery Brand Butter."

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 as provided by the act of March 4, 1923.

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 June 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product, although deficient in butterfat and in violation of the law, was wholesome and fit for human consumption, ordered that it be delivered to a charitable organization.

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

21253. Misbranding of Sea Moss Farine. U. S. v. 7 Boxes of Sea Moss Farine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30590. Sample no. 34514-A.)

This case involved a product known as "Sea Moss Farine", which contained undeclared sulphur dioxide. The statement of the quantity of the contents of the packages appeared inconspicuously on the label; it possessed no tonic properties as claimed; and it was also labeled to convey the impression that blanc mange, puddings, and custards could be made from the article, whereas it was only one of several ingredients of such foods.

On June 13, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven boxes of Sea Moss Farine at Lynn, Mass., alleging that the article had been shipped in interstate commerce on or about January 13, 1933, by the Lyon Manufacturing Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sea Moss Farine * * * For Puddings, Custards * * * This Packet will yield sixteen quarts of blanc mange * * * It combines the 'Fragrance of the Sea Breeze' with its Tonic Properties * * * 4 Oz. Net Av. Wt. * * * Lyon Mfg. Co. * * * Brooklyn, N.Y."

It was alleged in the libel that the article was misbranded in that it contained sulphur dioxide and the presence of this added abnormal ingredient was not declared on the label. Misbranding was alleged for the further reason that the statements, "Will yield * * * blanc Mange for Puddings, Custards &c" and "Tonic properties", were 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 10, 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.

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

21254. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30704. Sample no. 40625-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 16, 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 15 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 7, 1933, by Peter Nottleman, from Oshkosh, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

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 as provided by the act of Congress of March 4, 1923. Misbranding was alleged for the 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 package.

On June 28, 1933. C. H. Weaver & Co., Chicago, Ill., 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 to be reworked, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

21255. Adulteration of walnuts. U. S. v. Louis Groobman (Whittier Walnut Packing Co.). Tried to the court and a jury. Verdict for the Government. Fine, \$50 and costs. (F. & D. no. 29407. I.S. no. 41291.)

This case was based on an interstate shipment of walnuts that were found to be in part wormy, moldy, rancid, and shriveled.

On January 18, 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 an information against Louis Groobman, trading as the Whittier Walnut Packing Co., Whittier, Calif., alleging shipment by said defendant on or about December 3, 1931, from the State of California into the State of Nebraska of a quantity of walnuts that were adulterated. The article was labeled in part: "California Walnuts Evergreen Packed By Whittier Walnut Packing Co., Whittier, Calif."

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

On July 26, 1933, the case having come on for trial before a jury and evidence having been introduced on behalf of the defendant and the Government, the jury returned a verdict of guilty, and on July 31, 1933, the court sentenced the defendant to pay a fine of \$50 and costs in the amount of \$680.68.

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

21256. Adulteration of apples. U. S. v. 109 Boxes of Apples. Default decree of condemnation. Product destroyed. (F. & D. no. 30106. Sample no. 35747-A.)

This action involved a shipment of apples that bore excessive lead spray residue.

On March 30, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 109 boxes of apples at Omaha, Nebr., alleging that the article had been shipped on or about March 16, 1933, by the Tyrrell Brown Co., from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Foot-print Brand Apples * * * From Foothills of the Cascades. Packed and Shipped by Tyrrell Brown Co. Wenatchee, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 30, 1933, no claimant having appeared for the property, judgment of condemnation was entered, the decree provided that the apples might be delivered to the Veterans Hospital at Lincoln, Nebr., on condition that they be peeled or washed to remove the spray residue, under the supervision of a State official. On July 6, the apples, having been found to be decomposed and unfit for food, were destroyed, which destruction was approved by the court on July 31, 1933.

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

21257. Adulteration and misbranding of olive oil. U. S. v. Eleven 1-Gallon Cans of Oil. Default decree of condemnation and destruction. (F. & D. no. 30042. Sample no. 35084-A.)

This case involved the interstate shipment of a quantity of oil which was labeled to convey the impression that it was imported olive oil but which consisted chiefly of cottonseed oil of domestic origin.