

health", "3 a day is the healthy way", "Clears Complexion", "Aids Digestion", and "Eliminates Constipation."

On July 19, 1933, no claim or answer having been filed to the first libel, judgment of condemnation was entered, and the court ordered that the 2 boxes that had been seized by the marshal be destroyed. On July 27, 1933, Chocco Yeast, Inc., Springfield, Mass., having appeared as claimant in the remaining case and having admitted the allegations of the libel, judgment of condemnation 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 that it be made to conform with the Federal Food and Drugs Act under the supervision of this Department.

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

21283. Adulteration of cabbage. U. S. v. 338 Crates of Cabbage. Decree of condemnation. Product released under bond. (F. & D. no. 30675. Sample no. 42058-A.)

This case involved a shipment of cabbage that was found to bear arsenic in an amount that might have rendered it injurious to health.

On June 5, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 338 crates of cabbage consigned by Sugar Land Industries, Sugar Land, Tex., at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about May 28, 1933, from Sugar Land, Tex., 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 contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On June 15, 1933, Sugar Land Industries, a Texas corporation, having appeared as claimant and 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 released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,690, conditioned that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

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

21284. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 30489. Sample no. 32272-A.)

This case involved a 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 May 3, 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 a libel praying seizure and condemnation of eight tubs of butter at New York, N.Y., alleging that the articles had been shipped in interstate commerce on or about April 20, 1933, by the Farmers Cooperative Creamery Co., of Cleaves, Iowa, in a pool car shipped from Iowa Falls, Iowa, 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, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On June 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that as much of the butter as was fit for human consumption be delivered to a charitable institution.

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

21285. Adulteration of apple chops. U. S. v. 30 Sacks of Apple Chops. Default decree of condemnation and destruction. (F. & D. no. 30497. Sample no. 39993-A.)

This case involved an interstate shipment of apple chops that contained dirt, also filth from insect and rodent infestation. Analysis of the article showed that it contained arsenic and lead in amounts that might have rendered it injurious to health.

On May 20, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 sacks of apple chops at Pittsburgh, Pa., alleging that the article had been shipped on or about April 20, 1933, by Leroy Cold Storage & Produce Co., from Lockport, 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 contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health. Adulteration was alleged for the further reason that the product consisted in part of a filthy vegetable substance.

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

21286. Misbranding of cider vinegar. U. S. v. 35 Cases of Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30510. Sample no. 42049-A.)

This case involved an interstate shipment of bottled cider vinegar, sample bottles of which were found to contain less than 1 pint, the declared volume.

On June 1, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of cider vinegar at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about February 16, 1932, by Paxton & Gallagher, from Yakima, Wash., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Kamo Pure Cider Vinegar Contents One Pint Paxton and Gallagher Co. Omaha", were false and misleading and deceived and misled the purchaser, since the bottles contained less than 1 pint. 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 June 19, 1933, the Paxton Gallagher Co., having appeared as claimant for the property 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 under bond, conditioned that it be relabeled under the supervision of this Department and that the claimant pay the costs of the proceedings.

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

21287. Adulteration and misbranding of tomato paste. U. S. v. 41 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30549. Sample no. 32598-A.)

This case involved a shipment of alleged tomato paste that consisted of a tomato product insufficiently concentrated to be labeled tomato paste. The article also contained excessive mold.

On June 8, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cases of tomato paste at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, by the Marlboro Canning Corporation, from Marlboro, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Lola Brand Tomato Paste * * * Salsa di Pomodoro Packed * * * By The Marlboro Canning Corp. Marlboro, N.Y."

It was alleged in the libel that the article was adulterated in that a substance, an insufficiently condensed strained tomato product, had been substituted for tomato paste. Adulteration was alleged for the further reason that the article consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements on the label, "Tomato Paste. * * * Salsa di Pomodoro", were false and misleading and deceived and misled the purchaser when applied to an artificially colored product containing less tomato solids than tomato paste. Misbranding was