courts. In King *v.* Commissioners, 5 A. & E. 804, 816, Lord Denman, applying the rule, said that the court was constrained to give the words of a private act then under consideration an effect which probably was 'never contemplated by those who obtained the act, and very probably not intended by the legislature which enacted it. But our duty is to look to the language employed, and construe it in its natural and obvious sense.' See also United States *v.* Lexington Mill Co., 232 U.S. 399, 409; Caminetti *v.* United States, 242 U.S. 470, 485.

"Moreover, the practical and long continued construction of the executive departments charged with the administration of the act and with the duty of making the rules and regulations therein provided for, has been in accordance with the view we have expressed as to the meaning of the section under consideration. The rules and regulations, as amended on May 11, 1914, deal with the entire subject in detail under the recital, '(i) The following tolerances and variations from the quantity of the contents marked on the package shall be allowed: . . .' Then follows an enumeration of discrepancies due to errors in weighing which occur in packing conducted in compliance with good commercial practice; due to differences in capacity of bottles and similar containers, resulting from unavoidable difficulties in manufacture, etc.; or in weight due to atmospheric differences in various places, etc. These regulations, which cover variations as well as tolerances and exemptions, have been in force for a period of more than eighteen years, with the silent acquiescence of Congress. If the meaning of the statutory words was doubtful, so as to call for a resort to extrinsic aid in an effort to reach a proper construction of them, we should hesitate to accept the committee reports in preference to this contemporaneous and long continued practical construction of the act on the part of those charged with its administration. Such a construction, in cases of doubtful meaning, is accepted unless there are cogent and persuasive reasons for rejecting it. See, for example, United States *v.* Johnston, 124 U.S. 236, 253.

"Second. The contention that the act contravenes the provisions of the Constitution with respect to the separation of the governmental powers is without merit. That the legislative power of Congress cannot be delegated is, of course, clear. But Congress may declare its will, and after fixing a primary standard, devolve upon administrative officers the 'power to fill up the details' by prescribing administrative rules and regulations. That the authority conferred by the act now under review in this respect does not transcend the power of Congress is not open to reasonable dispute. The effect of the provision assailed is to define an offense, but with directions to those charged with the administration of the act to make supplementary rules and regulations allowing reasonable variations, tolerances, and exemptions, which, because of their variety and need of detailed statement, it was impracticable for Congress to prescribe. The effect of the proviso is evident and legitimate, namely, to prevent the embarrassment and hardship which might result from a too literal and minute enforcement of the act, without at the same time offending against its purposes. The proviso does not delegate legislative power but confers administrative functions entirely valid within principles established by numerous decisions of this court, of which the following may be cited as examples. Buttfield *v.* Stranahan, 192 U.S. 470, 496; Plymouth Coal Co. *v.* Pennsylvania, 232 U.S. 531, 542; United States *v.* Grimaud, 220 U.S. 506, and authorities reviewed."

Judgment reversed.

On October 9, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $100.

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

21362. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30971. Sample no. 47077-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 7, 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 nine crates of blueberries at Boston, Mass., consigned August 6, 1933, alleging that the article had been shipped in interstate commerce by Alfred Karlson, from Rockland, Maine, 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, and putrid vegetable substance.

On August 18, 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.*

21363. Misbranding of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30728. Sample no. 43261–A.)

This action involved a shipment of butter, which was found to be short weight.

On June 24, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six 50-pound boxes of butter at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about June 19, 1933, from the premises of Peter Hernig Sons, Philadelphia, Pa., to the premises of Peter Hernig Sons, Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Parchment wrapper) "One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net", 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 16, 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.*

21364. Adulteration of dried apple pulp. U. S. v. 812 Sacks of Dried Apple Pulp. Default decree of destruction. (F. & D. no. 30712. Sample no. 41214–A.)

This action involved a shipment of dried apple pulp which was found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On July 11, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 812 sacks of dried apple pulp at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 15, 1933, by John C. Morgan Co., from Traverse City, Mich., 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.

On August 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

21365. Misbranding of vinegar. U. S. v. 934 Cases of Vinegar. Product released to be relabeled. (F. & D. no. 30682. Sample no. 36182–A.)

Examination of samples of vinegar from the shipment involved in this case showed that the bottles contained less than the declared volume, also that the statement of volume was not made in terms of liquid measure.

On June 29, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 934 cases of vinegar at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about October 4, 1932, by Jones Bros. Co., from Albina, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Pure Cider Vinegar Contents 32 Oz. Jones Bros. Co., Inc. Portland, Ore."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 32 Oz.", 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the