

berries at Buffalo, N.Y. On August 31, 1933, a libel was filed in the Northern District of Ohio against four crates of blueberries at Cleveland, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce on or about July 29 and August 29, 1933, by Peter M. Fludovich, from Centralia, Pa., and that it was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 13 and October 20, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**21412. Adulteration of canned oysters. U. S. v. 1,000 Cases and 400 Cases of Canned Oysters. Decomposed portion ordered destroyed. Remainder released to claimant. (F. & D. nos. 30509, 30592. Sample nos. 36699-A, 57404-A.)**

These cases involved quantities of canned oysters which were found to be in part decomposed.

On May 24 and June 16, 1933, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,400 cases of canned oysters at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about April 17, 1933, by the Berwick Bay Canneries, Inc., Berwick, La., and charging adulteration in violation of the Food and Drugs Act.

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

The Berwick Bay Canneries, Inc., appeared as claimant in both cases. On July 8, 1933, the court ordered that the product be delivered to the claimant in order that those portions which appeared to be in a perfect state of canning be segregated and separated from those in bad condition, and held for further orders of the court. On August 5, 1933, the portions which had been sorted out as decomposed were ordered destroyed. On August 29, 1933, the court ordered that the remainder of the product be further examined under the supervision of this Department and that all portions found to be in good condition be released and those found unfit for food disposed of in accordance with the law.

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

**21413. Adulteration of butter. U. S. v. 46 Tubs and 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 31068, 31069. Sample nos. 40305-A, 40319-A.)**

These cases involved shipments 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 August 9 and August 12, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 57 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about July 29, 1933, and in part on or about August 5, 1933, by Ravenwood Cooperative Creamery Co., from Ravenwood, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels 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 August 15, 1933, the cases having been consolidated into one cause of action and Coyne & Nevins Co., Inc., 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 upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this Department.

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