

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 November 3, 1932, the Red Wing Co., Inc., Fredonia, N.Y., having appeared as claimant for the property 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 delivered to the claimant upon payment of costs and the deposit of \$800 in lieu of bond, conditioned that it be relabeled under the supervision of this Department to show the true quantity of the contents.

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

21631. Adulteration of butter. U. S. v. 100 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 31168. Sample no. 38297-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 September 15, 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 a libel praying seizure and condemnation of 100 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped on or about September 8, 1933, by Arrow Creamery Co., from Salt Lake City, Utah, 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 September 21, 1933, the Arrow Creamery Co., claimant, 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 to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$700.

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

21632. Adulteration of huckleberries. U. S. v. 12 Baskets of Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31164. Sample no. 42666-A.)

This case involved a shipment of huckleberries that were filthy or decomposed.

On September 11, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 baskets of huckleberries at Cincinnati, Ohio, consigned by B. Sipe, alleging that the article had been shipped in interstate commerce on or about August 9, 1933, from Islandford, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B. Sipe, Islandford, Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a putrid, filthy, and decomposed vegetable substance.

On October 17, 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.*

21633. Misbranding of canned boneless chicken. U. S. v. 19½ Dozen Jars of Canned Chicken. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31163. Sample no. 55507-A.)

Sample jars of boneless chicken taken from the shipment involved in this case were found to contain less than 11 ounces, the labeled weight.

On September 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19½ dozen jars of canned boneless chicken at Philadelphia, Pa., alleging that the article had been shipped on or about June 1, 1933, by Elmwood Farm, from North Leominster, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Elmwood Farm Boneless

Chicken Net Weight 11 Oz. Packed by Elmwood Farm Co., North Leominster, Mass."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 11 Oz.", was false and misbranding 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 October 13, 1933, the Thomas C. Fluke Co., Philadelphia, Pa., having appeared as claimant for the property, 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 \$200, conditioned that it be relabeled under the supervision of this Department.

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

21634. Adulteration of canned salmon. U. S. v. 1,490 Cases and 1,731 Cases of Canned Salmon. Portions of product released unconditionally. Decrees condemning and forfeiting remainder and ordering its release under bond for separation and destruction of unfit portion. (F. & D. no. 31113. Sample nos. 55278-A, 55279-A, 55287-A, 55288-A.)

These cases involved shipments of canned salmon identified by various code marks. Samples taken from certain of the codes were found to be decomposed.

On September 15, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3,221 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce in part on or about July 15, 1933, and in part on or about July 23, 1933, by the Alaska Year Round Canneries Co., from Seldovia, Alaska, 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 whole or in part of a decomposed animal substance.

On September 20, 1933, the Alaska Year Round Canneries Co. having appeared as claimant for the property, judgments were entered ordering that the product, with the exception of certain codes which were admitted to be in part decomposed, be released unconditionally. The decrees further ordered that the portions of the product which had been found to be in part decomposed, which consisted of 1,059 cases and 39 cans, be condemned and forfeited, and ordered that they be delivered to the claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned that the decomposed salmon be segregated and destroyed.

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

21635. Misbranding of butter. U. S. v. 4 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31104. Sample no. 43273-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the declared weight.

On August 8, 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 four cases of butter at Newark N.J., alleging that the article had been transported in interstate commerce from the premises of Breakstone Bros., Inc., New York, N.Y., to the premises of Marley Farms Co., Newark, N.J., in the truck of I. Becker & Sons, Inc., Newark N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Maple Grove Brand Salted Pure Creamery Butter * * * One Pound Net 4- $\frac{1}{4}$ 'S."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net 4- $\frac{1}{4}$ 'S", was false and misleading and deceived and misled the purchaser, and 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 of weight was incorrect.

On September 11, 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.*