

attorney for the District of Minnesota filed libels against 213 cases of canned shrimp at St. Paul, Minn. It was alleged in the libels filed in the District of Minnesota, that the article had been shipped in interstate commerce by the Biloxi Canning & Packing Co., of Biloxi, Miss., in part from Biloxi, Miss., on or about June 27, 1933, and in part from New Orleans, La., on or about July 1, 1933. The records indicate that the lot seized at Cincinnati, Ohio, was also shipped by the Biloxi Canning & Packing Co., from Biloxi, Miss., on or about July 19, 1933. The article was labeled in part: "B C P Brand [or "Fountain's Choice Brand" or "Biloxi Miss Brand"] Shrimp * * * Packed by Biloxi Canning & Packing Co., Inc., Biloxi, Miss."

The libels charged that the article was adulterated in violation of the Food and Drugs Act in that it consisted in part of a decomposed animal substance.

On October 3, 5, and 14, 1933, no claimant having appeared for the property, judgments of condemnation 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.*

21686. Adulteration of tullibeas. U. S. v. 4 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31304. Sample no. 45975-A.)

This case involved a shipment of tullibeas that were infested with parasitic worms.

On September 26, 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 four boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by B. Arneson, from Warroad, Minn., 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 animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On November 13, 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.*

21687. Adulteration of huckleberries. U. S. v. A Quantity of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 31171. Sample nos. 42663-A, 50254-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 a quantity of huckleberries at Cincinnati, Ohio, consigned by H. A. (or H. E.) Roudabush, alleging that the article had been shipped in interstate commerce on or about August 7, 8, and 9, 1933, from Shenandoah, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H. A. Roudabush [or "H. E. Roudabush"] Shenandoah, 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 was entered nunc pro tunc, as of September 18, 1933, ordering that the product be condemned and destroyed.

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

21688. Misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$200. (F. & D. no. 30156. Sample nos. 8505-A, 8506-A.)

Sample packages of butter taken from the shipment on which this case was based were found to contain less than 1 pound, the labeled weight.

On June 2, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sugar Creek Creamery Co., a corporation, trading at Evansville, Ind., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 13, 1932, from the State of Indiana into the State of Pennsylvania, of a quantity of butter

that was misbranded. The article was labeled in part: (Carton) "Sugar Creek Butter * * * Full Weight One Pound General Offices Danville, Ill. * * * Sugar Creek Creamery Company"; (parchment wrapper of portion) "One Pound Net Weight."

It was alleged in the information that the article was misbranded in that the statement, "Full Weight One Pound", borne on the cartons, and the statement, "One Pound Net Weight", borne on the parchment wrappers of portions of the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. 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 of weight was incorrect.

On October 9, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

21689. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31102. Sample no. 40335-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 August 23, 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 eight tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 9, 1933, by Mondovi Butter Association, from Mondovi, Wis., 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 12, 1933, Leserman Bros., 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 \$500, conditioned in part that it be reworked under the supervision of this Department.

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

21690. Adulteration of butter. U. S. v. 28 Tubs and 161 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. nos. 31201, 31203. Sample nos. 40339-A, 40350-A.)

These cases involved interstate 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 or about September 15 and September 20, 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 189 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 8 and August 18, 1933, by the Eureka Creamery Co., from Eureka, S.Dak., 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 October 4, 1933, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libels 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 under the supervision of this Department, upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

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